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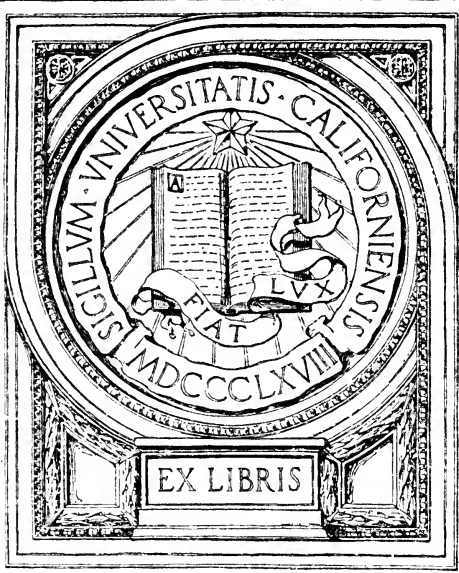
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*State of Oregon*



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**OREGON**  
**SCHOOL LAWS**  
**1911**

Compiled and Annotated  
by  
**L. R. ALDERMAN**  
Superintendent of Public Instruction



SALEM, OREGON  
WILLIS S. DUNIWAY, STATE PRINTER  
1911





PUBLISHED BY AUTHORITY

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THE  
OREGON SCHOOL LAWS

WITH

RULES AND REGULATIONS

OF THE

STATE BOARD OF EDUCATION

BLANK FORMS, ETC.,

PREPARED BY THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

TO BE

Preserved and Delivered by Each District Clerk  
to His Successor



SALEM, OREGON  
WILLIS S. DUNIWAY, STATE PRINTER  
1911

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## PREFACE

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This compilation is made under and by virtue of the authority of an act of the Legislative Assembly of this State, of the session of 1899, and a joint resolution of the Legislative Assembly of 1911. The act referred to provides that the Superintendent of Public Instruction shall annotate and compile the school laws and that said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the schools throughout the State. This compilation embraces all the statutes now in force, which in any way affect the public school system; a summary of the decisions of the Supreme Court of Oregon, and the most important decisions of the Attorney-General upon the school laws; the rules and regulations of the State Board of Education, suggestions for the use of school officers, and plans for rural school buildings.

The law relating to the State institutions is omitted in order to make this volume a more convenient size. Full information relative to these schools may be obtained from their respective catalogues, which will be sent upon application by the president of each school. Address, President J. H. Ackerman, of the State Normal School, Monmouth; President W. J. Kerr, of the Oregon Agricultural College, Corvallis, and President P. L. Campbell, of the University of Oregon, Eugene.

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## AUTHORITY FOR THIS COMPILATION.

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The Superintendent of Public Instruction shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of systems in the administration of the school laws throughout the State. [L. O. L. § 3946.]

### HOUSE JOINT RESOLUTION No. 12.

*Resolved by the House, the Senate concurring:*

That the Superintendent of Public Instruction is hereby authorized to annotate and compile the School Laws of Oregon, and the State Board of Education is authorized to order sixteen thousand copies of such annotated laws published, and when published, they shall be disposed of as follows:

1. One copy to each district school officer in the State, and one copy to each member of the Legislature.
2. Five copies to each county school superintendent in the State.
3. Five copies to each chartered educational institution in the State.
4. The remainder to be distributed at the discretion of the Superintendent of Public Instruction.

Filed in the office of the Secretary of State February 15, 1911.



## SUMMARY OF EDUCATIONAL ACTS OF 1911.

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*First the Hawley Act.* This act provides that all teachers' certificates shall be issued by the State Superintendent of Public Instruction in order that a teacher will not have to take an examination every time he crosses a county line. It provides also that certificates may be issued to graduates of standard normal schools and to graduates of standard colleges and universities. It also provides that a four-year high school may have a teachers' training class and graduates from this course are entitled to one-year State certificates. The bill for this act was drawn after a conference of the following different boards: A convention of the Superintendents of Public Instruction which was held at Salt Lake City in November, 1910; a convention of the County School Superintendents of Oregon which met at Portland in December, 1910; a committee representing the State Teachers' Association of Oregon; a meeting of the College Presidents of Oregon held at the State Capital in January, 1911; and a meeting of the committees of the Legislative Assembly of 1911. See Sections 6-34.

*Second, the Huntington Act.* This act is entirely in the interests of the rural schools of Oregon. It provides for an educational board in all counties having more than 60 districts. This board, of which the county superintendent is the chairman, is to look after the general interests of the schools and to elect a supervisor for every 50 districts whose entire time for ten months in each year shall be devoted to visiting the schools of his supervisory district and superintending the work of such schools. See Sections 76-82.

*Third, the Peterson Act.* This raises the per capita tax for school purposes from \$7.00 to \$8.00. See Section 192.

*Fourth, the Abbott Act.* This provides a retirement fund for teachers in all districts having more than ten thousand children of school age. See Sections 355-365.

There were also amendments to the Union High School Law, (see sections 280, 284, 285, 289 and 292); the Compulsory Educational Law, (see sections 234, 236, and 238); the Institute

Law, (see section 63); and an act relative to school children being kept in a sanitary condition, (see section 100).





# SCHOOL LAWS

## TITLE I

### OFFICERS AND THEIR POWERS.

#### CHAPTER I.

##### SUPERINTENDENT OF PUBLIC INSTRUCTION.

###### § 1. *Superintendent of Public Instruction a Distinct Office.*

The office of Superintendent of Public Instruction in this State is hereby declared to be a separate and distinct office, and the present incumbent of said office shall hold the same during the term for which he has been elected, and until his successor is duly elected and qualified. [L. O. L. § 3943.]

###### § 2. *Election and Salary of Superintendent.*

A Superintendent of Public Instruction shall be elected at the general election of the year 1902, and every four years thereafter, and shall qualify and enter upon the duties of his office on the second Monday in January following his election. He shall receive annually a salary of \$3,000, payable by the State as the salaries of other State officers are paid. [L. O. L. § 3944.]

###### § 3. *Office of Superintendent.*

He shall be provided with an office at the State Capitol, furnished with the necessary stationery, lights, fuel, etc., to be paid for by the State as the expenses of other State officers are paid. [L. O. L. § 3945.]

###### § 4. *Duties of Superintendent.*

1. It shall be the duty of the Superintendent of Public Instruction to exercise a general superintendence of the county and district school officers and the public schools of this State.

2. He shall visit, as far as practicable, every county in the State, annually, in the interest of education.

3. He shall attend county institutes within the State and educational meetings out of the State when practicable, and shall assist in the organization and development of institute work in each county; he shall visit, as often as practicable, the principal schools of the State for the purpose of inspection and supervision; and he shall also keep statistics of the

condition of schools, buildings, grounds, appurtenances, apparatus, libraries, the conduct and standing of pupils, methods of instruction, and the discipline and government of schools, etc.

4. He shall visit in person, when practicable, all the chartered educational institutions of the State, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature.

*Shall Furnish Blanks, etc.*

5. He shall prepare and distribute to the various county school superintendents in the State such a uniform series of blanks, registers, forms, rules, and regulations as he may deem necessary for the administration of the school laws; and the Secretary of State shall cause the same to be printed. County school superintendents shall receipt to the Superintendent of Public Instruction for all supplies received, and distribute the same to the various district clerks, taking their receipts for the same.

*Shall Act as Secretary State Board of Education.*

6. He shall act as secretary of the State Board of Education. He shall annotate and compile all school laws ordered published by the State Board of Education; and said compilation shall include all blank forms necessary to secure a uniformity of system in the administration of the school laws throughout the State.

7. He shall, whenever he may deem the same expedient, issue printed letters and circulars to school officers pertaining to any subject relative to the duties of teachers, directors, pupils, parents and guardians, the management of schools, and all other questions of general and special interest to the cause of education.

*Shall Decide Cases Submitted to Him on Appeal.*

8. He shall decide, without cost to the parties, all questions of doubt that may be submitted to him, and all disputes that may be appealed to him from the county school superintendents, concerning the proper administration of the school laws of this State and of the rules and regulations of the State Board of Education, and concerning the ministerial duties of school officers and teachers; but he may, in his discretion, submit any such question or dispute to the State Board of Education, who shall then decide the same. The State Superintendent, or the State Board of Education, may require the opinion, in writing, of the Attorney General concerning such questions or



disputes, whose duty it shall be to give the same. The State Board of Education shall adopt reasonable rules of procedure to govern the submission of such questions, and the trials and appeals provided for in this act. The decision of the State Superintendent or of the State Board of Education, as herein provided, shall guide school officers and teachers in the discharge of their duties in respect to the matters so decided; but this section shall not be construed to deprive any person of his ordinary remedy in a court of competent jurisdiction.

In *School Dist. v. Irwin*, 34 Or. 431, 56 Pac. 413, it was held that an appeal from an order of the county school superintendent to the State Superintendent of Public Instruction is not authorized, but since this decision was rendered the law has been changed. The provision that "all disputes that may be appealed to him from county school superintendents concerning the proper administration of school laws of this State, and of the rules and regulations of the State Board of Educa-

tion," etc., of subd. 8, was not contained in the former law, and this language would no doubt be construed to authorize an appeal in such cases. This is strengthened by Section 57, which provides that a county school superintendent shall "hear, examine, and decide appeals from district officers and teachers without cost to the appellants, and subject to an appeal to the Superintendent of Public Instruction."

#### *Shall Hold State Teachers' Association.*

9. He shall, once in each year, cause to be held a State teachers' association, at such time and place as in his judgment will best promote the general interests of education.

#### *Traveling Expenses.*

10. He shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the State; *provided*, that such sum shall not exceed \$900 per annum; *provided, further*, that every such claim shall be verified by the Superintendent of Public Instruction, and said Superintendent of Public Instruction shall receive no other salary or fees or perquisites for the performance of any duties required by law as said superintendent or member of any board. [L. O. L. § 3946.]

#### § 5. *Biennial Reports—Subjects of.*

The Superintendent of Public Instruction shall report to the legislative assembly, biennially, in the same manner and at the same time that other State officers make their reports. His report shall contain:

1. The general condition of the public schools of the State;
2. The amount of school money apportioned among the several counties, and the sources whence such money was derived;
3. The amounts raised by county and district taxes, and the amounts paid for teachers' salaries, buildings, furniture, etc.;

4. The series of text-books authorized in accordance with the provisions of the law;

5. The rules and regulations prescribed by the State Board for the government of public schools;

6. The number and grade of the schools in each county;

7. The number of persons between the ages of four and twenty years, the number attending public schools, the number attending private schools, and the number not attending any school;

8. Any and all information that in his judgment may be useful to the public, and for the advancement of the educational interests of the State. [L. O. L. § 3947.]

§ 6. *Present Certificates Not Invalidated.*

Nothing in this act shall be construed to invalidate the life of any certificate or diploma now in full force and effect in this State, nor to invalidate the rights and privileges now granted by such certificate or diploma. Present holders of State certificates shall be allowed to secure a life certificate by taking a satisfactory examination in botany, geometry and general history; and, all persons who have, prior to June 1, 1911, partially completed their examinations for State certificates shall be allowed to complete the examinations for State certificates and life diplomas in accordance with the laws, rules and regulations now governing the examination for State certificates and life diplomas. Present holders of first grade county certificates in this State which are subject to renewal without examination, shall be entitled to have the same renewed by the State Superintendent of Public Instruction under the provisions of the law now in effect. [L. 1911, p. 86, § 1.]

§ 7. *Certificates Issued by Superintendent of Public Instruction.*

All certificates, except those provided for in Sections 21 and 22 shall be issued by the Superintendent of Public Instruction. [L. 1911, p. 86, § 2.]

§ 8. *Classification of Certificates.*

The certificates granted by the authority of the State of Oregon and authorizing the holder to teach in the public schools of this State shall be classified as follows:

1. Life State certificates.  
Five-year State certificates.  
Primary five-year State certificates.  
One-year State certificates.  
Special certificates.
2. Temporary county certificates.
3. Special district certificates. [L. 1911, p. 86, § 3.]

§ 9. *Fees.*

1. Fees for the several certificates named in Section 8 shall be as follows:

Life State certificate .....	\$6.00
Five-year State certificate or renewal thereof .....	4.00
Primary five-year State certificate or renewal thereof.....	4.00
One-year State certificate or renewal thereof .....	2.00
Special certificate .....	6.00
Temporary county certificate .....	2.50

Special district certificate at option of authority issuing.

2. (a) All fees for State certificates by examination and temporary county certificates, shall be paid to the county superintendent conducting the examination, who shall remit the same within three days to the Superintendent of Public Instruction, taking his receipt therefor.

(b) All fees for State certificates other than by examination shall be paid to the Superintendent of Public Instruction.

(c) All fees so received by the Superintendent of Public Instruction shall be paid within thirty days to the State Treasurer, taking his receipt therefor, and by that office kept separate and apart from other funds and accredited to a fund which shall be known as the State Board of Examiners' Fund and shall be paid out only on warrants of the Secretary of State, based on duly verified claims as other claims are paid. [L. 1911, p. 87, § 4.]

§ 10. *State Board of Examiners.*

1. The Superintendent of Public Instruction shall appoint not more than nine professional teachers whose duty it shall be to prepare questions for all State examinations.

2. The Superintendent of Public Instruction shall also appoint on the second Monday in June and December of each year, for the examination immediately following such appointment, such a number of professional teachers, as he may deem necessary, whose duty it shall be to grade, under his direction, all manuscripts for State papers.

3. The appointees provided for in subdivisions 1 and 2 of this section shall be known as the State Board of Examiners.

4. The Superintendent of Public Instruction is further empowered to appoint a sufficient number of persons to perform the clerical work required to carry out the provisions of this act except the work provided for in Section 30.

5. Each member of the State Board of Examiners shall receive for his services the sum of five dollars (\$5.00) per day

for each day actually employed, which time shall be certified to by the Superintendent of Public Instruction, and all such claims shall be paid out of the State Board of Examiners' Fund only on warrants of the Secretary of State, based on duly verified claims as other claims are paid, and all claims for clerical assistance shall be paid in the same manner as the claims for the State Board of Examiners; *provided*, that the amount of such claims shall not exceed the amount of the State Board of Examiners' Fund in the State treasury. [L. 1911, p. 87, § 5.]

### § 11. *Life State Certificates.*

1. A life State certificate, valid throughout the State for life, shall be granted to an applicant who has had at least sixty months (60) of successful teaching experience, not less than fifteen (15) of which shall have been in this State, and shall pass an examination before the State Board of Examiners with a general average of not less than eighty-five per cent and shall not fall below seventy per cent in any one of the following subjects: Arithmetic, writing, orthography, reading, physiology, school law, civil government, grammar, geography, theory and practice of teaching, U. S. history, psychology, American literature, English literature, algebra, physical geography, plane geometry, botany, physics, bookkeeping, composition, general history, geology and history of education.

2. A holder of a five-year State certificate secured in accordance with the provisions of Section 12 shall be allowed to secure a life State certificate by taking an examination before the State Board of Examiners in the following subjects: Plane geometry, botany, physics, bookkeeping, general history, geology, history of education, and English literature. [L. 1911, p. 88, § 6.]

### § 12. *Five-Year State Certificates.*

1. A five-year State certificate, valid throughout the State for five years, shall be issued to an applicant who has taught at least twelve school months with approved success and who shall pass an examination before the State Board of Examiners with a general average of not less than eight-five per cent and shall not fall below seventy per cent in any one of the following subjects: Writing, orthography, arithmetic, physiology, grammar, geography, theory and practice of teaching, reading, U. S. history, civil government, school law, psychology, American literature, algebra, physical geography and composition.

*Renewals.*

2. A five-year State certificate may be renewed when the holder thereof has attended an institution of higher education for thirty-two consecutive weeks within six years from the date of issue of such certificate and when satisfactory work has been done in such institution in at least four subjects, one of which shall be education, which work shall be certified to by the president of such institution; *provided*, that any five-year State certificate, so renewed, may be again renewed in the same manner as the original certificate was renewed. [L. 1911, p. 88, § 7.]

§ 13. *Primary Five-Year State Certificates.*

1. A primary five-year State certificate, valid throughout the State for five years in the first, second and third grades, only shall be granted to an applicant who has had at least twelve months of successful teaching experience in this State and shall pass an examination before the State Board of Examiners with a general average of not less than eighty-five per cent and shall not fall below seventy per cent in any one of the following subjects: Methods in reading, methods in arithmetic, methods in language, methods in geography, theory and practice of teaching, writing, orthography, physiology, psychology, and in addition thereto, shall write a thesis on an educational subject selected from a list prepared by the Superintendent of Public Instruction.

*Renewals.*

2. A primary five-year certificate may be renewed when the holder thereof has

(a) Attended an institution of higher education for thirty-two consecutive weeks within six years from the date of issue of such certificate, and when satisfactory work has been done in such institution or school in at least four subjects, one of which shall be education, which work shall be certified to by the president of such institution or school.

(b) Or, taught for not less than thirty-two months with approved success during the life of the certificate.

(c) A primary five-year State certificate so renewed may be again renewed in the same manner as the original certificate was renewed. [L. 1911, p. 89, § 8.]

§ 14. *One-Year State Certificates.*

A one-year State certificate may be secured in the following manner:

*By Examination.*

1. A one-year State certificate, valid throughout the State for one year, shall be granted to an applicant who



shall pass an examination before the State Board of Examiners with a general average of not less than seventy-five per cent and shall not fall below sixty per cent in any one of the following subjects: Arithmetic, civil government, geography, grammar, history, orthography, physical geography, reading, school law, theory and practice of teaching, and writing.

2. A one-year State certificate shall be granted without examination to applicants who have completed four years' work in an accredited high school or other accredited institution; *provided*, that the applicant shall have completed the teachers' training course in such high school or institution as provided for in this act. A one-year State certificate may be renewed only once when the holder thereof has presented satisfactory evidence of having successfully taught six months' school during the life of such certificate. [L. 1911, p. 89, § 9.]

§ 15. *Certificates on Graduation from Colleges or Universities.*

Certificates shall be issued to graduates from standard colleges or universities who have completed one hundred and twenty (120) semester hours, including fifteen (15) semester hours in education as follows:

1. One-year State certificates shall be issued, without examination, upon application, to such graduates of standard colleges and universities, authorizing them to teach only in the high schools of this State.

2. The holder of a one-year State certificate issued in accordance with the provisions of this section shall, after six months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive, without examination, a five-year State certificate authorizing him to teach only in the high schools of this State.

3. The holder of a five-year State certificate issued in accordance with the provisions of this section shall, after thirty months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive, without examination, a State life certificate authorizing him to teach only in the high schools of this State.

4. The holder of a one-year State certificate, or a five-year State certificate, or a life State certificate, secured in accordance with the provisions of this section is hereby authorized to act as a city superintendent of schools of any city. [L. 1911, p. 90, § 10.]

§ 16. *Certificates on Graduation—Normal Schools.*

Certificates shall be issued to graduates from standard normal schools as follows:

1. One-year State certificates shall be issued, without examination, upon application, to such graduates of standard normal schools, authorizing them to teach in any grammar school or in any one-year, two-year, or three-year high school in Oregon.

2. The holder of a one-year State certificate, issued in accordance with the provisions of this section, shall, after six months' successful teaching experience in this State, and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive a five-year State certificate without examination, authorizing him to teach in any grammar school or in any one-year, two-year, or three-year high school in Oregon.

3. The holder of a five-year State certificate, issued in accordance with the provisions of this section, shall, after thirty months' successful teaching experience in this State and upon the recommendation of the county superintendent of the county in which the applicant last taught, receive a life State certificate authorizing him to teach in any grammar school or in any one-year, two-year, or three-year high school in Oregon; *provided*, that he shall receive a life State certificate authorizing him to teach in any of the schools of this State upon the completion of two years of work in a standard college or university; *provided*, that, if at any time the course of study of the Oregon Normal School meets the requirements of standard colleges, then the graduate of the standard college course of the Oregon Normal School shall receive a life State certificate entitling him to teach in any school in this State.

4. The holder of a one-year State certificate, or a five-year State certificate, or a life State certificate, secured in accordance with the provisions of this section is hereby authorized to act as a city superintendent of schools of any city in this State.

*Standard Normal School Defined.*

5. By a standard normal school is meant a school meeting the following requirements:

(a) For entrance, four years' work above the eighth grade in a secondary school.

(b) For graduation, two years' additional work, including a thorough review of the common branches and training in a practice school.

(c) The maintenance of a well-equipped training school for observation and practice, such school to cover work in the eight elementary grades.

(d) The total attendance in the secondary school and in the normal school shall be two hundred and sixteen (216) weeks above the eighth grade; *provided*, that any normal school may accept satisfactory credits covering twenty weeks above the eighth grade. [L. 1911, p. 90, § 11.]

§ 17. *The Standardizing of Colleges, Universities, and Normal Schools.*

A standard college, university, or normal school is one that shall be standardized by the United States Bureau of Education of Washington, D. C. In case of the failure of the said bureau to prepare a list of standardized colleges, universities and normal schools, or to pass upon the standard of any college, university or normal school of Oregon, a board for such standardization composed of the president of the University of Oregon, the president of the Oregon Agricultural College, the president of the Oregon Normal School, the city superintendent of the largest city in the State, one person selected by the Independent College Presidents' Association of Oregon, one person selected by the Catholic Educational Association of Oregon, and the Superintendent of Public Instruction, shall meet from time to time in the State House at Salem, Oregon, upon the call of the Superintendent of Public Instruction and shall prepare a list of the educational institutions of Oregon which in the judgment of the board shall be recognized as the standard colleges and universities of Oregon, and shall pass upon the standard of any college, university, or normal school of other states seeking recognition in this State. [L. 1911, p. 91, § 12.]

§ 18. *President Shall File Affidavit.*

When a school has been standardized in accordance with the provisions of Sections 15, 16, and 17, the president of such school shall, on or before the first day of July of each year, file with the Superintendent of Public Instruction a sworn statement, on blanks furnished by the Superintendent of Public Instruction for that purpose, that all of the provisions of standardization as provided for in this act have been fully complied with before the graduates of the school for the preceding school year shall be entitled to receive any certificate in accordance with the provisions of this section. [L. 1911, p. 92, § 13.]

§ 19. *Special Certificates.*

Upon the application of any board of directors, the Superintendent of Public Instruction may, at his discretion, issue a certificate, without examination to teach

in any one of the following subjects: Library, music, agriculture, art, manual training, penmanship, kindergarten, domestic science and domestic art, typewriting, stenography, bookkeeping, physical culture, which certificate shall entitle the holder thereof to teach the subject therein named in any school of the district under the control of said board of directors, unless revoked for cause. The Superintendent of Public Instruction before issuing the same shall receive satisfactory evidence of the applicant's fitness to teach the subject named in the certificate. [L. 1911, p. 92, § 14.]

§ 20. *Qualifications of High School Teachers.*

Any teacher employed in a four-year high school of this State except as otherwise provided for by this act, shall be a graduate of some standard college or university as defined by this act, or shall be the holder of a life State certificate or state diploma secured by examination before the State department; *provided*, that this section shall not be construed to deprive the holder of a teacher's life certificate or diploma now in full force and effect in this State from the right to teach in any high school in this State; *provided, further*, that the holder of a certificate secured in accordance with Section 16 is hereby authorized to teach the teachers' training course, as provided in Section 34, in any high school of this State. [L. 1911, p. 92, § 15.]

§ 21. *Temporary County Certificates.*

A temporary county certificate may be issued by the county superintendent in case of necessity, valid only in the county where issued until the next regular public examination held by the county superintendent for such county, to a holder of a certificate valid in any other state, when the applicant for the same shall present satisfactory testimonials of good character and success as a teacher; but no permit shall be issued to any person not holding a valid certificate as herein set forth, except on a written examination equivalent to that required for a one-year State certificate, except in Oregon school law. Only one temporary certificate shall be issued to any applicant within the State within a period of three years, and issuance of the same shall be immediately reported to the Superintendent of Public Instruction. [L. 1911, p. 92, § 16.]

§ 22. *Districts Having More Than One Hundred Thousand People.*

The school board in districts having more than 100,000 people shall have the power to create a board of exam-

iners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which said district may be located shall be *ex-officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided further*, that the holder of a valid certificate may be employed without further examination at the option of the board. [L. 1911, p. 93, § 17.]

### § 23. *Registration of Certificates.*

1. All certificates issued by the Superintendent of Public Instruction shall be valid and entitle the holder thereof to teach in any district in any county of the State upon being registered annually by the county superintendent thereof, which fact shall be evidenced by him on the certificate in the words "Registered for use in ..... County," together with the date of registry, and his official signature; *provided*, that a copy of the certificate or diploma duly certified by the Superintendent of Public Instruction may be used for the purpose of registry and endorsement in lieu of the original, but no certificate shall be registered in a county until the county superintendent has satisfied himself that the applicant has done the reading circle work prescribed by the State Superintendent of Public Instruction for the teachers of the State for the previous year and such registration shall entitle said teacher to teach in said county; *provided*, that the registration and reading circle work required in this subdivision shall not apply to districts of the first class; *provided, further*, that it is hereby made the duty of the Superintendent of Public Instruction to prepare a teachers' reading circle course for teachers as provided for in this section and also to formulate rules and regulations governing the same.

2. The school clerk of any district of the first class shall on or before the third Monday in September in each year, file with the county superintendent of his county a complete list of all teachers employed in his district for the current school year, the name, date, grade and expiration of all certificates held by such teachers; and whenever an additional teacher is employed, he shall within five days report such facts in like manner. [L. 1911, p. 93, § 18.]

### § 24. *Credits of Ninety Per Cent or Over.*

Any person who receives credits of ninety per cent or over in any subject or subjects at any regular teachers' exam-



ination in this State shall not be required to take an examination again in such subject or subjects in order to receive any certificate for which the applicant may be eligible to apply; *provided*, that the credits so earned shall be forfeited should the person cease to be actually engaged in educational work for a consecutive period of three years. The holder of any common school certificate shall be entitled to write on one or more subjects at any examination for the purpose of securing credits; and when sufficient credits have been earned the proper certificate shall be issued. [L. 1911, p. 94, § 19.]

§ 25. *Age.*

No person who is less than eighteen years of age shall receive a certificate to teach in the State of Oregon. [L. 1911, p. 94, § 20.]

§ 26. *Recommendations.*

No teacher's certificate shall be issued to any person who shall not file with the examiners satisfactory evidence of good moral character, personal fitness, and such other facts as the Superintendent of Public Instruction may require. [L. 1911, p. 94, § 21.]

§ 27. *Revocation, Cause For.*

Any certificate to teach named in this act may be revoked by the authority authorized to grant the same upon the written complaint of any county superintendent, for immorality, intemperance, crime against the law of the State, or gross neglect of duty, after the defendant is given an opportunity to be heard. In case any certificate is revoked, the holder shall not be eligible to receive another teacher's certificate for a period of twelve months after the date of revocation. [L. 1911, p. 94, § 22.]

§ 28. *Revocation, Manner of Proceeding.*

Any teacher whose certificate to teach has been revoked, as provided in the preceding sections of this act and feeling aggrieved at such revocation, shall have the following right of appeal:

1. To the Superintendent of Public Instruction whenever the certificate has been revoked by the county superintendent.

2. To the State Board of Education when the certificate has been revoked by the Superintendent of Public Instruction.

3. An appeal under the provisions of this act to the State Superintendent shall operate as a stay of such revocation for a period of thirty days, and an appeal to the State Board of Edu-

ation shall operate as a stay of proceeding till the next regular or special meeting of said board. [L. 1911, p. 94, § 23.]

§ 29. *Examination—Applicant May Teach Until Notified.*

An examination for the certification of teachers of the State of Oregon shall be held at the county seat of each county on the third Wednesday in June and December of each year, commencing at 9 o'clock and continuing three days; *provided*, that any person taking any examination shall be authorized to teach until notified of the result of such examination. [L. 1911, p. 94, § 24.]

§ 30. *Examinations—How Conducted.*

All examinations shall be conducted by the county superintendent in accordance with the rules and regulations prescribed by the Superintendent of Public Instruction, who may appoint one or more persons to assist him in conducting the examinations. The assistants shall receive the sum of three dollars (\$3.00) per day for the time actually employed. Any claim for compensation for services under this section shall be certified to by the county superintendent and audited by the county court and paid out of the general fund of the county. [L. 1911, p. 95, § 25.]

§ 31. *County Superintendent Shall Transmit Manuscripts.*

The county superintendent shall within three days following the close of the examination provided for in Sections 29 and 30 transmit to the State Superintendent of Public Instruction all papers written at such examination, together with the fees collected and such reports as shall by him be required. The Superintendent of Public Instruction shall keep all manuscripts on file for a period of at least one year. [L. 1911, p. 95, § 26.]

§ 32. *Credit for Teaching Experience.*

In computing the total grades secured by an applicant for any grade of certificate the Superintendent of Public Instruction may, at his discretion, add, for successful teaching experience, ten credits each to any grade secured by the applicant in two subjects. Such successful teaching experience to be certified to by the county school superintendent of the county in which the applicant last taught. [L. 1911, p. 95, § 27.]

§ 33. *Recognition of Certificates and Credits From Other States.*

Credits secured upon examination by State authorities from other states shall be accepted by the Superintendent

of Public Instruction when secured in accordance with the following requirements:

1. When obtained by examination for the corresponding grade of certificate; *provided*, the examination questions were prepared and answer-papers were graded by the State department of education, the standing received in other states shall be accepted subject for subject; *provided*, that the passing standing shall not be less than eighty per cent in any one subject; *provided further*, that in determining the corresponding grade of certificate this recognition of credits shall apply to any certificate regardless of territorial restrictions in the state wherein such certificate was issued.

2. Equivalent credits for any subject or subjects may be accepted at the discretion of the Superintendent of Public Instruction of Oregon.

3. Credits for successful teaching experience may be allowed in accordance with the regulations in force in this State.

4. Certificates or credits subject to interstate recognition shall enjoy the same privileges as similar certificates or diplomas in this State subject to the experience requirements of this State. [L. 1911, p. 95, § 28.]

#### § 34. *Teachers Training Course.*

The term teachers' training course as used in Section 14 means one that shall fully meet all of the following requirements:

1. At least one teacher shall devote not less than four hours each day to the teachers' training course, and such teacher or teachers shall have been graduated from a standard normal school or its equivalent, which equivalency shall be passed upon by the Superintendent of Public Instruction.

2. At least two teachers exclusive of the city superintendent shall give their entire time to instruction in subjects above grammar school subjects.

3. The training course shall be given in the tenth, eleventh, and twelfth grades; *provided*, the county superintendent may, at his discretion, admit other pupils to this course.

4. The course in teachers training shall be elective, and shall consist of the three following lines of study:

(a) A review of at least nine weeks in each of the following subjects: Reading, grammar, arithmetic and geography. This work shall include subject matter, underlying principles and methods of teaching, and should enable the student to approach the subject from the standpoint of teacher as well as that of student.

(b) A study of American history.

(c) At least twenty periods of professional training to include a study of methods, school management, and observation work.

5. Schools offering this course shall have a reference library of at least three volumes on each of the following fields of professional study: History of education, principles of education, methods and special training in industrial education including agriculture.

6. In case elementary agriculture is not in the regular course of study it shall be required in the teachers' training course.

7. No teachers' training class shall be organized in any school with less than eight pupils, and every scholar admitted to such class shall continue under instruction not less than thirty-two weeks in order to be counted in such teachers' training class.

8. The class shall spend at least one hour a day for at least sixteen weeks in observation, and practice work, where the latter is practicable.

9. The class shall complete such other work as the Superintendent of Public Instruction may require.

10. *Provided*, that not more than three units on the basis of sixteen units required for graduation shall be given the teachers' training course.

11. The principal of any school or institution that maintains a teachers' training class shall on or before the first day of July of each year, file with the Superintendent of Public Instruction a sworn statement on blanks furnished by the Superintendent of Public Instruction for that purpose to the effect that all of the provisions governing such training class as provided for in this section or in the State course of study have been complied with. [L. 1911, p. 96, § 29.]

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## CHAPTER II.

### STATE BOARD OF EDUCATION.

#### § 35. *State Board, How Constituted.*

The Governor, Secretary of State, and Superintendent of Public Instruction shall constitute a State Board of Education. [L. O. L. § 3948.]

#### § 36. *Meetings of—Printing for.*

The meetings of the board shall be held semi-annually, at the State Capitol, on the first Monday in January and July. All

needed stationery for the use of the board shall be furnished by the Secretary of State, and any printing authorized by the board shall be done by the State Printer, at rates allowed by law for other State work. [L. O. L. § 3949.]

§ 37. *Powers Enumerated.*

The board shall have power :

*Authorize Text-Books.*

1. To authorize such series of text-books to be used in the public schools as shall be adopted by the text-book commission.

*Prepare Course of Study.*

2. To prepare a State course of studies for grammar grade schools. The Secretary of State shall cause the courses of study to be printed, and the State Superintendent shall send copies of the same to the various county superintendents, who shall properly distribute them to the boards of directors of the several districts, for use in public school work.

*Prescribe Rules.*

3. To prescribe a series of rules and regulations for the general government of public schools, and for the maintenance of discipline therein.

4. To use a common seal.

5. To order any printing that may be necessary to carry into effect the provisions of this act, said printing to be done by the State Printer. [L. O. L. § 3950.]

§ 38. *State Board Shall Indicate Sources for Questions on Theory and Practice.*

It shall be the duty of the State Board of Education to indicate, at least one year before any examination for a county certificate, the sources from which at least sixty per cent of the questions in theory and practice, will be selected by said board for said examination. [L. O. L. § 3989.]

§ 39. *Publication of Proceedings.*

The proceedings of each session of the State Board of Education shall be published for general distribution, containing in addition to the ordinary proceedings, the names of the successful applicants and the certificates granted. [L. O. L. § 3959.]

## CHAPTER III.

## COUNTY SCHOOL SUPERINTENDENT.

## (a) ELECTION, TERM, QUALIFICATION, AND SALARY.

§ 40. *County Superintendent—Election—Term of Office.*

There shall be elected by the legal voters of each county at the biennial election in the year 1900, and every four years thereafter, a county school superintendent, who shall take his office on the first Monday in August following his election. He shall hold his office for four years, and until his successor is chosen and qualified; but the present office of the county superintendent of schools is not affected by this section until the election of 1900. No person shall be eligible to the office of county school superintendent who has not, at the time of his election or appointment, taught in the schools of the State at least nine school months, and who does not hold a first grade county certificate, a state diploma, or a State certificate in Oregon; and no county clerk shall place the name of a candidate for the office of county school superintendent on an official ballot unless said candidate shall furnish proof to such county clerk that said candidate has taught in the State for nine school months and also holds one of the certificates as provided for in this act. [L. O. L. § 3960.]

By an amendment to Section 14, of Article II of the Constitution of the State of Oregon, the terms of office of the county school superintendents will begin the first Monday in January,

after the regular biennial election every four years, and the terms of office of the present incumbents are necessarily extended to the first Monday in January, 1913.

§ 41. *Oath of Office—Disposition of Fees Collected.*

1. The superintendent-elect shall qualify on or before the first Morday in August, by taking an oath to support the Constitution of the United States and the State of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county. [L. O. L. § 3961.]

2. The county school superintendent shall not be entitled to any fees of any kind or nature, but shall turn over all fees received by him, as by law provided, from all sources to the county treasurer on the last day of each month, taking his receipt in duplicate therefor, and shall immediately file the duplicate receipt with the county clerk. [L. O. L. § 3962.]

§ 42. *Salaries of County School Superintendents.*

County superintendents of the several counties shall receive as compensation for their services the following annual salaries, payable in the same manner as the salaries of other county officers are paid, and they shall receive no other compensation whatever. [L. O. L. § 3963.]

Baker County, \$1,500. The county school superintendent shall make out quarterly a statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$400 per annum. He shall make out a quarterly statement of the necessary expenses incurred for clerical assistance in his office, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum. [L. O. L. § 3963.]

Benton County, \$1,200. (a) The county school superintendent shall be allowed \$150 annually for traveling expenses. [L. O. L. § 3963; L. 1911, p. 308, § 1.]

Clackamas County, \$1,000. [L. O. L. § 3963.]

Clatsop County, \$900. [L. O. L. § 3963.]

Columbia County, \$900; *provided*, he shall not engage in teaching during the term of office. [L. O. L. § 3963.]

Coos County, \$1,200. [L. O. L. § 3963.]

Crook County, \$1,600. [L. O. L. § 3963; L. 1911, p. 318, § 1.]

Curry County, \$400. [L. O. L. § 3963.]

Douglas County, \$1,200. The county school superintendent is hereby authorized to employ a clerk to assist him in the performance of his duties. The portion of time said clerk shall be so employed, and his compensation when so employed, shall be determined and fixed by the county court, but such compensation shall not exceed \$300 in any one year. [L. O. L. § 3963.]

Gilliam County, \$500. [L. O. L. § 3963.]

Grant County, \$700. [L. O. L. § 3963.]

Harney County, \$1,000. [L. O. L. § 3963; L. 1911, p. 317, § 1.]

Jackson County, \$1,800. The county school superintendent of Jackson County shall visit the schools taught in his county at least once every year, and seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools; and he shall, if necessary, secure the proper classification of pupils, enforcement of course of study, and the care and protection of school property; and he shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum.

The county school superintendent of Jackson County, Oregon, may at his discretion, employ a clerk or stenographer, and shall be allowed the sum not to exceed three hundred (\$300) dollars per annum in payment for the services of such clerk or stenographer. Any claim for the services of such clerk or stenographer shall be certified to by the county school

superintendent and shall be paid by the county court out of the general fund of the county. [L. O. L. § 3963; L. 1911, p. 450, §§ 1 and 2.]

Josephine County, \$600. [L. O. L. § 3963; L. 1911, p. 146, Chap. 101.]

Klamath County, \$1,200. The said county school superintendent shall engage in no other business or occupation. [L. O. L. § 3963; L. 1911, p. 447, § 1.]

Lake County, \$700. [L. O. L. § 3963.]

Lane County, \$1,500. The county school superintendent of Lane County shall make out a quarterly statement of the necessary traveling expenses incurred in the discharge of his duties, which claim shall be audited and paid as other claims against the county; *provided*, that such sum shall not exceed \$200 per annum; *provided further*, that every such claim shall be verified by the county school superintendent. The county school superintendent of Lane County may, at his discretion, employ a stenographer or clerk, and shall be allowed the sum of \$500 per annum in payment for the services of such clerk or stenographer and no more; any claim for the services of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Lane County; *provided*, that this act shall not take effect until the expiration of the term of office of the present incumbent. [L. O. L. § 3963.]

The last proviso is found in L. 1909, c. 123, p. 186, § 2; but it is omitted in Lord's Oregon Laws. The proviso applies to the salary and the clerk hire. The act does not take effect until the first Monday in January,

1913. For the law now in effect see L. 1907, c. 48, p. 59; and L. 1899, p. 216, § 17; B. & C. § 3357. Until 1913, the salary is \$1,200 per annum and the clerk hire \$300 per annum.

Lincoln County, \$800. The county school superintendent shall be allowed \$200 for traveling expenses. [L. O. L. § 3963; L. 1911, p. 306, § 188.]

Linn County, \$1,200. The county school superintendent may, at his discretion, employ a stenographer or clerk at a salary not exceeding \$300 per annum. The school superintendent of Linn County, Oregon, shall visit the schools taught in his county at least once every year, and shall seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools; and he shall, if necessary, secure the proper classification of pupils, enforcement of course of study, and the care and protection of school property; and he shall make out, quarterly, a statement of the necessary traveling expenses incurred by him in the discharge of his duties, which claim shall be audited and paid as are other claims against the county; *provided*, that such sum shall not exceed \$200 per annum. [L. O. L. § 3963.]



Malheur County, \$1,000. [L. O. L. § 3963; L. 1911, p. 315, § 1.]

Marion County, \$1,000. The county school superintendent may, at his discretion, employ a clerk or stenographer, and shall be allowed the sum of \$300 per annum in payment for the services for such work of such clerk or stenographer. Any claim for the service of such clerk or stenographer shall be certified to by the county school superintendent and shall be paid by the county court out of the general fund of said Marion County. The county school superintendent shall receive \$200 per year for traveling expenses. [L. O. L. § 3963.]

Morrow County, \$1,200. [L. O. L. § 3963.]

Multnomah County, \$2,500. [L. O. L. § 3963.]

Polk County, \$1,200. [L. O. L. § 3963.]

Sherman County, \$1,000. [L. O. L. § 3963.]

Tillamook County, \$1,000. No sum shall be allowed the said superintendent for expenses or any other purposes, but the salary hereby fixed shall be in full for salary as well as expenses of every kind. [L. O. L. § 3963.]

Umatilla County, \$1,800. [L. O. L. § 3963.]

Union County, \$1,650. [L. O. L. § 3963.]

Wallowa County, \$1,200. [L. O. L. § 3963; L. 1911, p. 449, § 1.]

Wasco County, \$1,200; and in addition thereto he shall be allowed necessary expenses not to exceed the sum of \$200 per annum. [L. O. L. § 3963.]

Washington County, \$900. [L. O. L. § 3963; L. 1911, p. 449, Chap. 257.]

Wheeler County, \$400. [L. O. L. § 3963.]

Yamhill County, \$1,200. [L. O. L. § 3963; L. 1911, p. 448, § 1.]

#### § 43. *Traveling Expenses.*

The county superintendent shall visit the schools taught in his county at least once every year, and seek to aid, instruct, and inspire teachers to employ the best methods in teaching, governing, and conducting their schools, and he shall, if necessary, procure the proper classification of pupils, enforcement of course of study, and the care and protection of school property, and he shall make out quarterly a statement of necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid as other claims against the county; *provided*, that such sums shall not exceed two hundred dollars (\$200) per annum; *and provided*, that in those cases where provision is already made by law for the payment of traveling expenses of the county school superintendent, nothing additional shall be paid to said super-

intendent under the provisions of this section. [L. O. L. § 3993; L. 1911, Chap. 33, p. 52, § 1.]

(b) DISTRICT BOUNDARY BOARD.

§ 44. *How Constituted—Duties.*

The superintendent and the county court, or the board of commissioners in counties where this board is a separate body, shall constitute a board for laying off his county in convenient school districts, such board to be styled the district boundary board. Said board shall make alterations and changes in the same when petitioned so to do,\* in the manner hereinafter specified; and the superintendent shall make a record showing the boundaries and numbers of all the districts in his county so established and organized. The county judge shall be *ex officio* chairman of said board, and the superintendent *ex officio* secretary; except, where the board of county commissioners is a separate body, the chairman of the board shall be chairman. The superintendent and two members of the county board shall constitute a quorum for the transaction of business. [L. O. L. § 3965.]

See note to Section 171.

The county school superintendent and the county judge and commissioners constitute a board for dividing the county into convenient school districts. Section 171 provides that the district boundary board in its discretion may, on the petition of three or more legal voters, change or divide the districts of the county. Section 47 provides that when any organized school district shall cease to maintain a public school for two years or to contain at least six children, then all the moneys in the hands of the district clerk or board of directors shall be turned over to the district boundary board for three years thereafter, and if during that time such

district shall maintain a public school therein, and shall contain at least six children, the board shall surrender the money, etc., to the directors of the district; but that on failure of the district to comply with such provisions it shall become unorganized territory and cease to be a district. *Held*, that no power being granted to the boundary board to abolish a district, the board could not change the boundaries of a district so as to leave less than six children therein, the word "discretion," as used in the statute, not meaning absolute or arbitrary power, to be exercised to the injury of another. *Nicklaus v. Goodspeed*, .....Or....., 108 Pac. 135.

§ 45. *Superintendent to Give Notice of Creation or Alteration of District.*

When the district boundary board shall have established a new district, the superintendent shall notify, in writing, three of the petitioners in said district, who petitioned therefor, giving in said notice the number and boundaries thereof; and when alterations are made by said board the superintendent shall notify immediately, in the manner aforesaid, the directors of all the districts concerned. [L. O. L. § 3966.]

§ 46. *Conditions to Be Observed on Establishment or Change of District.*

Whenever the district boundary board shall establish a new district or change the boundaries of existing districts, such

\*The manner of petitioning is specified in Section 171.

establishment or change shall be made so as to keep all the territory, embraced in any corporate city or village, in one school district, but the district boundary board may include in any such school district territory not within such corporate boundaries; and said boundary board is hereby authorized to change, without the presentation of a petition, boundaries of any school district or districts so that all the territory embraced in a corporate city or village shall be in one district. [L. O. L. § 3967.]

§.47. *Abandoned District—District Boundary Board to Take Charge.*

Whenever any duly organized school district within this State shall for any reason cease to maintain a public school for two years from any annual school meeting, or when such district shall for two years cease to contain at least six children of school age, then all moneys in the hands of the district clerk or board of directors of said district shall be turned over to the district boundary board of the county in which such district is situated, which said district boundary board shall also take charge of the school house or school houses and other property of said district; and it shall be the duty of said district boundary board to take care of said moneys and other property of said district for the term of three years thereafter, and if, during that time, said district shall maintain a public school therein as provided by law, and shall contain at least six children of school age, then said boundary board shall surrender said moneys and other property to the legal directors of said district. If, however, said district fails to so maintain a school within said three years, or if, at the end of said three years, there should not be at least six children of school age residing in said district, then said district boundary board shall sell the property of said district at public auction for the best price it can obtain, in the same manner as personal property or real estate is sold on execution, and give a bill of sale or execute a deed for the same, as the case may be, and shall apply the proceeds of such sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of any debts of said district, other than bonded indebtedness, and if any sum remains thereafter, shall pay the same to the county treasurer, who shall place the same to the credit of the county school fund of said county; and said school district shall then become disorganized and the territory embraced therein shall be considered and treated the same as other unorganized territory within the county; *provided*, that if, at any time within the three years above mentioned, the territory embraced in said district shall be annexed to one or

more adjoining districts, then the district boundary board shall proceed at once to sell said property and apply the proceeds of said sale and also any moneys of said district which may be in the charge of said district boundary board to the satisfaction of the debts of said district, other than bonded indebtedness, and, if any sum remains thereafter, shall divide the same among the districts to which said territory has been annexed in proportion to the last assessed valuation of the various portions so annexed; *provided further*, that, if such district should be a joint district, the moneys, school house or school houses, and other property of said district shall be controlled by the district boundary board of the county in which the school house is located, and when the property has been disposed of, as provided for in this section, the net proceeds shall be apportioned between the counties concerned in proportion to the assessed valuation of the parts of the counties contained in such joint district. [L. O. L. § 3968.]

See note to Section 44, *ante*.

§ 48. *District Boundary Board May Condemn Real Property.*

Whenever it may be necessary for any school district in this State to acquire any real property for school house site or other necessary school purposes, and the owner of said real property and the board of directors of said school district can not agree upon the price to be paid therefor, and the damage for the taking thereof, if any, the district boundary board of the county in which such real property desired for school purposes lies, may and is hereby authorized, upon written request from the board of directors of such school district, to commence and prosecute in the circuit court for said county the same as other actions or suits are brought, in the name of such school district, any necessary or appropriate suit, action or proceeding for the condemnation of said real property so required for said purposes, and for the assessment of the value and the damage for the taking thereof; and the district attorney of the judicial district in which such property to be condemned lies, shall act as attorney for said district boundary board in all proceedings in the circuit court, as in other causes in which the State or county is a party or interested. The procedure in said suit, action or proceeding shall be, as far as applicable, the procedure provided for in and by the laws of this State for the condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes. [L. O. L. § 3969.]

§ 49. *Expense and Value of Land to Be Paid by District.*

The expenses of such condemnation proceedings, and the value of such real property and the damage [for] the taking

thereof, shall be paid by the school district for which the real property is condemned in the same manner as other expenses for like purposes are paid. [L. O. L. § 3970.]

(c) APPORTIONMENT OF SCHOOL FUND.

§ 50. *School Fund—How Apportioned.*

The county school superintendent shall make an apportionment of the entire school fund then in the county treasury on the first Monday in October of each year, and at such other times during the year as he may deem advisable. The county school fund, collected in pursuance of the school tax levied by the county court, shall be apportioned in the following manner: In October he shall apportion \$100 to each district in his county that has reported to him as required by law. At the same time he shall apportion to each district in his county \$5.00 for each teacher employed by such district during the twelve months immediately preceding such apportionment who has attended, for a period of at least sixteen hours, an annual county institute or State teachers' association held during the twelve months immediately preceding the time of making such apportionment. The county superintendent shall take as evidence that such district has employed a teacher or teachers who have attended an institute or association, as above described, a certificate properly signed by the secretary of such institute or association, or a certified copy thereof. It is hereby made the duty of such teacher to file with the clerk of such district a certificate, or copy thereof, as hereinbefore provided, and it shall be the duty of said clerk to file said certificate, or copy thereof, with the school superintendent of his county; *provided*, that the county school superintendent shall not credit a district with a greater number of such certificates than the whole number of rooms in operation in such district at any one time during the year. The balance of the county school funds thereafter remaining in the treasury, and any amount of such funds to be apportioned at any other time, shall be apportioned among the several districts in his county that have reported to him as required by law, in proportion to the total "number of children resident in each district between the ages of four and twenty years," as shown by the clerk's last annual report. If, at the time for making the apportionment in October, there shall not be sufficient of the county school fund to make the required \$100 to each district and the \$5.00 for each teacher employed, as hereinbefore provided, he shall apportion the whole amount of such fund, in equal sums among the several districts which have reported as required by law; and as soon thereafter as there is a sufficient amount of the county school funds on hand for that purpose, he shall apportion to

each district such a sum as will make up the required \$100 and \$5.00 for that year. [L. O. L. § 3971.]

A county superintendent cannot be compelled by mandamus to make apportionment of the school fund among several districts of a county until such districts, or at least some of them, have reported as required by law; nor unless it is made to appear that there are some funds in the treasury available for that purpose. (*Booth v. Bryan*, 26 Or. 502, 38 Pac. 618.)

A school district has no vested right to the money arising from the levy of the county school tax, or interest on the irreducible State fund, until the money has been segregated and apportioned to the districts; but it has an

inchoate right to the fund, and by mandamus may compel the division thereof by apportionment based on the annual census of the school clerk; but mandamus will not lie to compel a county treasurer to pay the amount apportioned to a new school district formed by division of an old one, where the alternate writ fails to show the number of children in both districts and it does not appear that the number of children in the new district were originally enrolled and enumerated in the original district. (*School Dist. v. Lambert*, 28 Or. 221, 42 Pac. 221.)

### § 51. *In Joint Districts.*

In the case of joint districts, the sum of \$100 herein required to be paid to each school district in a county before any part of the county school fund is otherwise apportioned; said \$100 shall be paid to said joint district by the counties in which it lies in proportion to the total number of children of school age resident in each district between the ages of four and twenty years, as shown by the clerk's last annual report; and the \$5.00 each for teachers employed, as hereinbefore provided, shall be paid in equal proportions by each of the counties in which said district lies. [L. O. L. § 3972.]

### § 52. *Apportionment of Irreducible School Fund—Issuance of Warrants.*

On the first Monday of October of each year he shall apportion the common or irreducible school fund among the several districts in his county, in proportion to the number of children resident therein between the ages of four and twenty years. As soon as he shall have made any of the apportionments provided for in this section, he shall draw warrants on the county treasury in favor of the districts for their respective shares, and transmit the same to the clerks thereof; *provided*, that the superintendent shall not issue or transmit any such warrant to the clerk of any district until the clerk's bond shall have been received, examined, and approved by the county school superintendent, and filed by him in his office as a part of the records thereof. [L. O. L. § 3973.]

### § 53. *Basis of Apportionment.*

The basis of all apportionments shall be the last annual reports of the several district clerks on file in his office at the time of making such apportionments. [L. O. L. § 3974.]

§ 54. *Partial Apportionment.*

A county superintendent may, upon the written request of any district school board, make a partial apportionment to any district of any money due it at the time of making a regular apportionment, and apportion the remainder at the next regular apportionment; but no such partial apportionment shall be made in any way that will result in such district not applying at least eighty-five per cent of the amount received each school year on teachers' salaries as required by law. [L. O. L. § 3975.]

§ 55. *Shall Open an Account With County Treasurer.*

The county superintendent shall keep a book in which he shall open an account with the treasurer of his county; also, with the several districts. He shall charge the treasurer with all the school funds going into his hands, and when the treasurer shall present to him the district clerks' receipts, he shall credit the treasurer with the amount. When the superintendent shall have made any apportionment of the school funds, he shall credit each district with the amount set apart to it, and on receiving the receipt of a clerk of a district from the treasurer, he shall charge the amount to such district. [L. O. L. § 3976.]

(d) GENERAL DUTIES.

§ 56\*. *To Make Report to Superintendent of Public Instruction.*

The county superintendent shall study to awaken among parents and children a deeper interest in the public schools, so as to secure improved attendance, deportment and scholarship of pupils, and more frequent visits of parents and school directors. He shall carefully observe the condition of the school houses and surroundings, note all defects and notify the board of directors of the same. He shall receive the reports of all the districts of his county, and shall, by the fourth Monday of July of each year, make out from the records of his office a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office. [L. O. L. § 3994.]

§ 57. *To Hear and Determine Appeals.*

The county superintendent shall hear, examine and decide appeals from district officers and teachers, without cost to the appellants, and subject to an appeal to the Superintendent of Public Instruction. [L. O. L. § 3995.]

\*For duties relative to visiting schools of his county, see Section 43.

§ 58. *To Enforce Course of Study.*

The county superintendent shall enforce the course of study for county schools prescribed by law. [L. O. L. § 3996.]

§ 59. *To Keep Record of Contracts.*

The county superintendent shall keep in a suitable book an official record of all persons under contract to teach in his county, showing the number of the school district and the date of the contract, the names of the contracting parties, the salary paid, the date of commencing school thereof, and the length of term in weeks. [L. O. L. § 3997.]

§ 60. *To Make Special Reports.*

The county superintendent shall make special report of important matters relating to the public schools in his county when necessary, and when required by the Superintendent of Public Instruction. [L. O. L. § 3998.]

§ 61. *To Consult With Board of Directors—School House Plans.*

The county superintendent shall advise and consult with boards of directors relative to the construction, warming, ventilation and arrangement of school houses; the improving and adorning of school grounds; methods of instruction and discipline in the school, and the conditions of school houses, sites, and outbuildings and appendages of the district generally. It shall be illegal for any school district of the third class to erect a school building until the plans for the same have been approved by the county superintendent of the county in which the district may be situated. [L. O. L. § 3999.]

§ 62. *To Use Uniform Blanks.*

The county superintendent shall use a uniform series of blank reports, registers, receipts, etc., which shall be prepared and furnished by the State Board of Education. [L. O. L. § 4000.]

§ 63. *To Hold Institutes.*

1. *County.*—The county superintendent shall hold annually a teachers' county institute, for a term of not less than three days, for the instruction of teachers and those desiring to teach; and all teachers in the public schools of his county shall be required to attend; and the Superintendent of Public Instruction may, at his discretion, upon a written complaint of the county superintendent, revoke the certificate, or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and co-operation of the Superintendent of Public Instruction



in holding annual institutes. Every teacher attending any annual county institute held in accordance with the provisions of this act shall be given by the county superintendent a certificate setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school for not more than three days in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided for shall be evidence of such attendance. If the institute is held during the session of school, the directors shall be required to grant three days' time of actual service to their teachers to attend the said institute, during which time their pay as teachers shall continue.

2. *Local.*—It shall be the duty of each county school superintendent to organize and hold annually at least three local institutes or educational meetings in various parts of his county at such times and places as he may deem expedient, and he shall secure at these meetings, so far as practicable, the attendance and co-operation of school officers, teachers and parents.

3. *Claims for Institute Service.*—All claims for defraying the expenses of such institutes shall be audited and paid as are all other claims against the county; *provided*, that the total amount paid by any county for each fiscal year shall be two dollars for each school room in operation in such county during such year; *provided further*, that if in any county this amount does not equal the sum of \$150 for each fiscal year then the county court of such county shall appropriate from the general fund of the county for defraying the expenses of such teachers' institutes the sum of \$150; *provided further*, that the total amounts allowed for claims for such expenses in any county for teachers' institutes shall not exceed \$400 each fiscal year. Should there be any balance in the institute fund at the time this act shall be in effect the county treasurer is hereby authorized and commanded to transfer such balance from the institute fund to the general fund of his county. [L. O. L. §§ 4001 and 4002; L. 1911, Chap. 58, p. 97, § 30.]

A county institute can be held on different days, regardless of whether it is one continuous session, if the ad-

journalment is for any reasonable cause. —Report of Attorney General, 1911, p. 70.

#### § 64. *Joint Annual Institute.*

Two or more counties may, at the discretion of their respective county superintendents, unite for the purpose of holding a joint annual institute at such place as may be agreed upon by such superintendents, and all the provisions of Section 63 shall apply to such joint institute. [L. O. L. § 4003.]

§ 65. *Shall Correct Report.*

The county superintendent shall examine into the correctness of the reports of the district clerk, and when a report is incorrect the county superintendent may correct or cause the clerk to correct said report, and in case the board of directors and district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby authorized to decide as to the correctness of the report; and the decision of said board shall be final. [L. O. L. § 4005.]

§ 66. *Report to Superintendent of Public Instruction of Mute and Blind Children.*

The county superintendent shall, by the fourth Monday of July of each year, report to the Superintendent of Public Instruction the name, age, and postoffice address of every deaf-mute and blind person in his county between the ages of five and twenty-five years, who are deaf or blind to such an extent as to be unable to acquire an education in the common schools. [L. O. L. § 4006.]

§ 67. *Plat of Counties and Office Supplies to Be Furnished.*

The county court shall provide the county superintendent with a plat of the boundaries of the several school districts of his county. The county court shall also provide the county school superintendent with all necessary blanks, blank books, stationery, telephone, postage, expressage, and other necessary requirements of his office, not otherwise provided for, the expense of which shall be paid out of the general fund of the county. [L. O. L. § 4007.]

§ 68. *Annual Report, Teachers' Monthly Reports.*

The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other [information] as will aid in efficient school supervision. Such reports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. He shall receive the reports of all districts in his county, and shall, by the fourth Monday in July of each year, make out from the records in his office a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit the same to the Superintendent of Public Instruction, retaining a copy thereof in his office. [L. O. L. § 4008.]

§ 69. *Teacher Must File Certificate and Contract.*

The county superintendent shall require teachers before beginning to teach in any school district in his county to register in his office, if they have not previously done so,

their county certificates or State papers, and file a copy of their contracts, and should any teacher fail so to register his or her certificate or State paper, and file a copy of his or her contract in the office of the county school superintendent before beginning to teach in any district in his county, said teacher shall forfeit to the said district the full amount of salary for the time taught before said certificate, or State paper, or contract were so filed. The county school superintendent shall notify the clerk of said district of the amount of such forfeiture and shall deduct the amount of said forfeiture from the next apportionment due said school district. The requirements of this section shall be enforced only by the county school superintendent of the county in which the school building in which the teacher is employed shall be situated. [L. O. L. § 4009.]

§ 70. *County Superintendents' Convention.*

The county superintendent shall attend annually, the county school superintendents' convention which the Superintendent of Public Instruction is hereby authorized and directed to hold, or cause to be held, annually, at such time and place as the Superintendent of Public Instruction may select. [L. O. L. § 4010.]

§ 71. *Vacancy in Office of County School Superintendent.*

In case of a vacancy in the office of county superintendent, the county court of the county shall appoint some legally qualified person to fill the unexpired term. [L. O. L. § 4011.]

§ 72. *County Superintendent May Hold School Board Conventions.*

The county school superintendent may, at his discretion, hold annually a school board convention or conventions for a term of not less than one day for the discussion of questions pertaining to the improvement of the public school system. [L. O. L. § 4012.]

§ 73. *Delegates and Expenses.*

The chairman of the school board shall be the delegate to the convention. If he is unable to attend he shall appoint a member of his board or the clerk to represent the district. Each delegate attending the convention during the entire session shall be entitled to receive two dollars out of the general fund of the county. But no such expense shall be paid until approved by the county superintendent. [L. O. L. § 4013.]

§ 74. *Compensation for Only One Convention a Year.*

No school district shall be entitled to compensation for representation for attendance at more than one convention held in the county during any one year. [L. O. L. § 4014.]

§ 75. *Records Open for Inspection.*

All officers having the custody of any State, county, school, city, or town records in this State shall furnish proper and reasonable opportunities for the inspection and examination of the records and files in their respective offices, and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose; *provided*, that the custodian of said records and files may make such reasonable rules and regulations as shall be necessary for the protection of said records and files, and to prevent the interference with the regular discharge of the duties of such officer. [L. O. L. 740.]

§ 76. *County Educational Board; How Created; Compensation.*

There is hereby created in every county of the State of Oregon containing more than sixty school districts a county educational board consisting of the county school superintendent who shall be *ex-officio* chairman of the board and four members appointed by the county school superintendent. The county school superintendent of each county having more than sixty school districts shall appoint on or before June 1, 1911, and every four years thereafter, four persons to act as members of the county educational board who shall serve for four years or until their successors have qualified. They shall receive no compensation for any services as members of the county educational board; *provided, however*, that the necessary traveling expenses of each member incurred in the discharge of his duties shall be audited and paid as are other claims against the county; *provided further*, that the annual expenses of each member shall not exceed twenty-five (\$25) dollars. [L. 1911, Chap. 79, p. 119, § 1.]

§ 77. *Qualifications of Members of County Educational Board.*

No person shall act as a member of the county educational board who is not a legal school voter of the county for which he is appointed, and no person shall act as a member of the board who holds any other county office, excepting the county school superintendent. [L. 1911, Chap. 79, p. 119, § 2.]

§ 78. *Organization of Board; Division of County into Supervisory Districts.*

On the first Monday in June, 1911, the county educational board of each county having more than sixty school districts in the State of Oregon shall meet and organize by electing one of their members secretary, and proceed to divide all the school districts of the county, excepting the districts of the first class, into supervisory districts, but no supervisory

district shall contain less than twenty (20) nor more than fifty (50) school districts. On the first Monday in June, in any year thereafter, the county educational board may meet and resubdivide its county into supervisory districts, but no supervisory district shall contain less than twenty (20) nor more than fifty (50) school districts; *provided*, that the county school superintendent shall be counted as supervisor for one supervisory district. L. 1911, Chap. 79, p. 119, § 3.]

§ 79. *Duties of County Educational Board.*

The duties of the county educational board in regard to the supervisory district shall be as follows:

1. To employ supervisors, other than the county school superintendent, which supervisors shall be employed for not less than ten months each year, at not less than one hundred (\$100) dollars nor more than \$120 per month.

2. To make a contract with the supervisor which contract shall be made in triplicate; one copy to be kept on file in the office of the county school superintendent; one to be given to the supervisor; and one to be filed with the county clerk.

3. To provide the supervisor with necessary books, blanks, stationery and postage.

4. To make such rules and regulations as in their judgment they deem necessary for the government of the supervisors; *provided*, they are in conformity with the rules and regulations of the State Board of Education.

5. To act as an advisory board to the county school superintendent and to aid him in the holding of educational meetings throughout the county. [L. 1911, Chap. 79, p. 120, § 4.]

§ 80. *Salary and Expenses of Supervisors; How Paid.*

The county court shall audit the claims of the supervisors for salary and other expenses incurred in the discharge of their duties, which claims when properly certified to by the chairman of the county educational board shall be paid by the county treasurer out of the general fund of the county in the same manner as the claims of other county officers are allowed and paid. [L. 1911, Chap. 79, p. 120, § 5.]

§ 81. *Duties of Supervisors.*

The duties of supervisors shall be as follows:

1. To work under the direction of the county school superintendent and to attend such meetings as he may call.

2. To devote his entire time to supervising the schools in the supervisory district for which he is employed, whenever any of the schools in his district are in session.

3. To enforce the course of study prescribed by the State Board of Education.

4. To make a written report at the end of each school month to the county school superintendent upon the general conditions of each school in his supervisory district. [L. 1911, Chap. 79, p. 120, § 6.]

§ 82. *Qualifications of Supervisors.*

No person shall be eligible to the office of supervisor who does not hold at the time of his appointment a teacher's certificate valid in the State of Oregon, and shall have taught school within the State of Oregon for at least nine months. [L. 1911, Chap. 79, p. 120, § 7.]

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## CHAPTER IV.

### TEACHERS.

§ 83. *Duties of Teachers Enumerated.*

A teacher's duty, while in charge of a school, shall be as follows:

1. To maintain order in school and conduct himself in such a manner before his school as to command the respect of his pupils.

*Commencing and Closing of Day's School.*

2. To commence school at 9 o'clock A. M. and to close at 4 o'clock P. M. of each day, giving one hour for recreation at noon; *provided*, that the directors may order a less number of hours.

*Shall Teach Physiology and Hygiene.*

3. To labor during school hours to advance the pupils in their studies; to create in their minds a desire for knowledge, principle, morality, politeness, cleanliness, and the preservation of physical health; and it is hereby made the duty of every teacher to give, and of every board of school directors to cause to be given, to all pupils suitable instruction in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Such instructions in physiology and hygiene shall be given orally to pupils who are below the fourth grade, and shall be given by the use of text-books to all pupils above the fourth grade, and such instruction shall be given as thoroughly to all pupils as instruction in arithmetic or geography is given. Each teacher of a public school, before leaving the school register with the school clerk, shall certify therein whether instruction has been given in the school or grade presided over by such teacher, as required by this act, and no public money shall be paid over to the treasurer of a district unless the register of such district contains a certificate of the teacher that instruc-

tion has been given in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, as required by this act.

*Must Keep a Register—Last Month's Salary May Be Withdrawn—When.*

4. Teachers shall keep a register showing the name, sex, and daily attendance of all persons attending their schools, copies of their programmes, classification of their pupils, the point in the State course of study where each class began and closed, and such other data as the State Board of Education may require, and file the same with the clerk at the close of their terms. The last month's salary shall not be paid a teacher until his register is submitted to the chairman of the board and until said officer finds, by examination, that the register has been properly kept, and enters upon the register a certificate to that effect.

NOTE.—1. The county superintendent shall require and receive monthly reports from the principal or teacher in charge of each school showing the registration, attendance, tardiness, and such other information as will aid in efficient school supervision. Such re-

ports shall be made on blanks provided for that purpose by the Superintendent of Public Instruction. See Section 68.

2. The county superintendent shall require the teacher to file certificate and contract before beginning a term of school. See Section 69.

*Temperature and Ventilation.*

5. Every public school teacher shall give vigilant attention to the temperature and ventilation of the school room, and shall see that the doors and windows are open at each intermission for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recess, but he shall strictly prohibit all dangerous and immoral games and amusements.

*May Dismiss Younger Pupils, When.*

6. The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours' session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the school room shall not exceed three hours and a half per day.

*Noon Intermission.*

7. Authority is hereby granted to school boards to shorten the noon intermission, during the rainy season, to thirty minutes, and to close school at 3:30.

*Gymnastics.*

8. In all schools two exercises in free gymnastics and suitable voice and breathing exercises shall be given daily.

*Pupils Must Comply With Regulations.*

9. The pupils of the public schools shall comply with the regulations established in pursuance of law for the govern-

ment of such schools; shall pursue the course of study and use the series of text-books prescribed by law; and shall submit to the authority of the teachers. Willful disobedience, or open defiance of the authority of the teacher, or the use of profanity or obscene language, shall constitute good cause for suspension or expulsion from school. Any pupil who shall in any way cut, deface, or otherwise injure any school house, fences, or outbuildings thereof, shall be liable to suspension and punishment, and the parents of such pupils shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the board and collected by the said board by an action therefor in any court having jurisdiction, in the name of the district, together with the costs of said action.

*Must Leave a Report in Register.*

10. Every teacher who shall leave a school before the close of a school year, shall, at time of leaving, make to the county superintendent a report of the school for all that portion of the school year from the beginning of such school year to the time of such teacher's leaving the school, and shall at the same time give a duplicate of said report, and surrender the school register to the district clerk.

*State Certificate and Diploma Must Be Endorsed—Fee.*

11. No warrant upon the common school fund shall be drawn in favor of any teacher holding a state certificate or diploma, unless such certificate or diploma shows an endorsement signed by the county superintendent that it has been registered in his office, as required by law; *provided*,\* that no such endorsement shall be made until a fee of one dollar (\$1.00) shall be paid for the same, and all moneys so received shall be turned over to the county treasurer, who shall place said sum as a part of the county institute fund.

*Must Follow State Course of Study.*

12. To follow the state course of study prescribed by the State Board of Education.

*Copy of Programme to Be Filed.*

13. Teachers shall, at the close of each term, file with the clerk and with the county superintendent, copies of their programmes, the classification of their pupils, the point in the state course of study where each class began and closed, and such other data as the State Board of Education may require. [L. O. L. § 4117.]

\*The proviso relative to fee for registration is repealed by implication by Laws 1911, c. 58, § 18.



§ 84. *Shall Give Notice of Resignation.*

All teachers in the public schools of this State who shall willingly violate the terms of his or her contract for teaching by resigning his or her position as teacher without a written notice given to the school board at least thirty days before the time when the resignation shall take effect, shall have his or her certificate revoked by the authorities issuing same upon due notice from the school board, and shall be disqualified from teaching in the public schools of this State for the remainder of the school year; *provided*, that sickness or other unavoidable circumstances which prevent the teacher from teaching one month shall be sufficient reason for the termination of the contract without the notice herein required on the part of the teacher; *and provided further*, that a school board may release a teacher from a contract by mutual agreement. [L. O. L. § 4118.]

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CHAPTER V.

DISTRICT SCHOOL BOARDS.

§ 85. *Meeting of School Boards, How Called—Chairman.*

The directors in their official capacity shall be known as the district school board, and shall hold such meetings as are necessary to transact the business of their office.

A meeting of the district school board may be called at any time by a member of the board serving a written notice on the other members and the clerk at least 24 hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; *provided*, that the action of such board shall not be deemed lawful unless every member shall have been duly notified.

The director who has served the longest time as such under an election shall act as chairman of district school board meetings; in the absence of the chairman the other members of the board in the order of their election may act as chairman, and in the absence of the clerk some member of the board shall act as secretary. A majority of the board shall constitute a quorum to do business. [L. O. L. § 4051.]

The statute recognizes the permanent and separate existence of the office of "chairman of the board." (*Riggs v. Polk County*, 95 Pac. 7.)

The "oldest in office of the directors present" means the director who has

served the longest time as such under an election, and not the one who is serving the longest term by appointment to an unexpired term. (*State ex rel. v. McKee*, 20 Or. 124, 25 Pac. 292.)

§ 86. *Special Meetings.*

The school board shall authorize the clerk to call special meetings. [L. O. L. § 4052, subd. 1.]

§ 87. *May Exclude Refractory Pupils.*

The school board shall visit and inspect their schools from time to time, and, when necessary, they may exclude any refractory pupil therefrom; but the exclusion of any pupil from the school shall not extend beyond the current term. [L. O. L. § 4052, subd. 2.]

§ 88. *Secret Societies Prohibited.*

Secret societies of every kind and character, including fraternities and sororities, so-called, which may now or hereafter exist among the pupils of any of the public schools of this State, including high schools, either local or county, are hereby declared unlawful. [L. O. L. § 4059.]

§ 89. *Board Must Suppress.*

It is hereby made the duty of each school board within the State to examine, from time to time, into the condition of all schools under its charge, and to suppress all secret societies therein, and for this purpose such boards are hereby authorized to suspend, or expel, from school, in their discretion, all pupils who engage in the organization or maintenance of such societies. [L. O. L. § 4060.]

§ 90. *Act Not to Apply to Colleges.*

This act shall not apply to either the State Agricultural College or the State University. [L. O. L. § 4061.]

§ 91. *Audit Claims.*

The school board shall audit all claims against the district, and authorize the clerk to draw orders for the amount. [L. O. L. § 4052, subd. 3.]

§ 92. *Shall Furnish Schools With Fuel, Etc.*

The school board shall furnish their schools, from the common school fund, with fuel already prepared for use, chalk, janitor, brooms, blackboards, erasers, stoves, window curtains, reference books, library books, and other apparatus for use in their schools; *provided*, that the sum expended for this purpose shall not exceed fifteen per cent of the five-mill county school fund, and the irreducible school fund apportioned to said district. [L. O. L. § 4052, subd. 4.]

School district boards are required by the school law to furnish seats and desks for all the pupils in attendance upon the public school of such district, and a failure to do so is a misfeasance or nonfeasance in office. (Report of Attorney General, 1909, p. 244.)

§ 93. *Shall Hire Teachers and Make Contracts—Relative of School Board, When May Be Hired.*

The school board, at a general or special meeting called for that purpose, shall hire teachers, and shall make contracts with such teachers which shall specify the wages, number of months to be taught, and time employment is to begin, as agreed upon by the parties, and shall file such contracts in the office of the district clerk, and a copy thereof in the office of the county superintendent. No contract shall be made with any teacher who is related by blood or marriage within the third degree to any member of the school board without the concurrence of all the members of the board, by a vote duly entered on the clerk's record of proceedings. Unless otherwise provided in the teacher's contract, it shall be understood that the branches provided for a first-grade county certificate shall be taught, excepting school law and theory and practice of teaching. [L. O. L. § 4052, subd. 7.]

A contract for the employment of a teacher for a specific term, executed at a meeting of school directors irregularly called, at which the directors were not all present, is ratified so as to be binding upon the school

district by the payment of the salary for part of the term with the approval and acquiescence of the board. (Graham v. School District, 33 Or. 266, 54 Pac. 185.)

§ 94. *Not To Employ Teacher, Without Certificate.*

If any district school board shall draw a warrant on the school fund for the wages of any teacher who does not hold a valid teacher's permit, certificate, or diploma, and lay the same before the board for inspection, such district shall forfeit its proportion of the school fund for the current year. [L. O. L. § 4052, subd. 8.]

§ 95. *Board to Control School Except Course of Study.*

Boards shall have entire control of the public schools of their district, and the teachers employed therein, except that in districts of the second and third class the boards of such districts shall adopt the course of study prescribed by the State Board of Education; and any such district using any other course of study than that prescribed by the State Board of Education shall forfeit twenty-five per cent of the five-mill county school tax for that or the subsequent year. The board may establish such rules and regulations for the government of teachers and pupils as are consistent with those of the State Board of Education, as the interests of the schools require. It shall be the duty of the teacher, under the direction of the board, to determine what branches shall be pursued by each pupil, consistent with the course prescribed by law. [L. O. L. § 4052, subd. 9.]

§ 96. *Pupils Must Be Provided With Books.*

The district board shall require, as a condition of membership in any school, that pupils shall be provided by their parents or guardians with such books as may be prescribed by law. [L. O. L. § 4052, subd. 15.]

§ 97. *May Loan Text-Books.*

When directed by a vote of the district, the district board shall loan text-books to indigent pupils; and, when not directed by a vote of the district so to do, may loan said books to indigent pupils upon the written report of the clerk that the parent or guardian of such children are unable to purchase such books. [L. O. L. § 4052, subd. 10.]

§ 98. *May Admit Pupils From Other Districts.*

The district school board may, at its discretion, contract with the district school board of any other district for the admission of pupils in any school in such other district, on such terms as may be agreed upon by such boards, which contract shall be in writing upon blanks furnished by the Superintendent of Public Instruction; the expense so incurred shall be paid out of the school funds of the district sending such pupils. Should the first mentioned district fail to pay the expense so incurred according to the terms of the contract, the county superintendent of the county containing the first mentioned district shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of the unpaid expenses from the amount due the first mentioned district by said apportionment. When the county superintendent has made the deduction provided for in this section, he shall draw a warrant on the county treasurer in favor of the second mentioned district for the amount of the deduction, and the treasurer shall pay said warrant out of the common school fund of his county. The county superintendent's jurisdiction, as herein provided for shall, in case the first mentioned district be a joint district, be exercised by the county superintendent of the county in which the greater part of such district may be situated, as shown by the number of persons in said district between the ages of four and twenty, according to the school clerk's last annual report. The county superintendent's action in the matter shall be final. [L. O. L. § 4052, subd. 11.]

§ 99. *Persons Affected With Contagious Diseases.*

Any board of directors may, on account of the prevalence of any contagious disease, or to prevent the spread of such contagious disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may

specify the time during which such teacher or scholar shall remain away from such school, and may prohibit the attendance of any unvaccinated child, who has not had the smallpox, upon the schools under their control, and shall also have power to decide how far revaccination shall be required if a case or cases of smallpox have occurred in the city or district. [L. O. L. § 4052, subd. 12.]

Where, under a contract between the directors of a school district, there was a clause to teach a definite period unless the school was discontinued by order of the directors, and the directors in consequence of the prevalence of diphtheria stopped the schools, but re-opened them when the danger had passed, and before the expiration of such contract, it was held that the discontinuance of the school was for good cause and authorized under the contract, that such discontinuance did not operate to annul such contract and discharge the teacher; that it did relieve the district from liability during such period but not from liability for the unexpired portion of such contract after the schools were re-opened.

(Goodyear v. School Dist. 17 Or. 517, 21 Pac. 664.)

A school board of directors has the right to close the school, if in the judgment of the board it is necessary to do so for the public health and safety, or the health or safety of the pupils. The teacher, however, is entitled to his pay during the time that the school is so closed, unless there is in the contract a special clause to the contrary. (Report of Attorney General, 1907, p. 217.)

No rule of compulsory vaccination can be enforced where it is not shown that an epidemic or danger of smallpox or other contagious disease exists. (Report of Attorney General, 1911, p. 23.)

#### § 100. *Board May Prohibit Attendance of Vermin-Infected Pupil.*

Any board of directors may prohibit the attendance of any vermin-infected or unsanitary pupil upon the schools under their control, and said board of directors may require the city or county health officer to make an examination of any pupil who may be suspected of having any vermin, or of being in an unsanitary condition of the body or clothing, and may require the parents or guardian of such pupil to put such pupil in a sanitary condition before returning to school. [L. 1911, c. 82, p. 123, § 1.]

#### § 101. *Sanitation.*

It shall be the duty of all boards of directors in this State to provide suitable and convenient water-closets or privies for each of the schools under their charge, at least two in number, which shall be entirely separate from each other, and having separate means of access. It shall be the duty of the school officers aforesaid to keep the same in a clean, chaste, and wholesome condition, and to clear the school ground of brush and other obstructions to a good view of the premises; and a failure to comply with the provisions of this subdivision on the part of the board of directors shall be sufficient grounds for removal from office and for withholding from any district any part of the five-mill county school tax of the county. The expense incurred by the officers aforesaid in carrying out the requirements of this subdivision shall be a charge upon the district, and a tax may be levied therefor without a vote of the district. [L. O. L. 4052; subd. 13.]

§ 102. *Selection of School Site and Removal of Schoolhouse.*

Whenever, in the judgment of the board, it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters in the district, the district board shall call a meeting, at some convenient time and place fixed by the board, to vote upon the question of selection, purchase, exchange, or sale of a schoolhouse site, or the erection, removal, or sale of a schoolhouse. Such election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place, and purpose of such meeting shall be posted in three public places in the district by the clerk at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange, or sale of the schoolhouse, as the case may be, the board shall locate, purchase, exchange, or sell such site, or erect, remove or sell such schoolhouse, as the case may be, in accordance with such vote; *provided*, that it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the schoolhouse, and such schoolhouse so removed can not again be removed within three years from the date of such meeting. [L. O. L. § 4052; subd. 14.]

See note to Section 232, *post*.

§ 103. *School Warrants, When Issued—Interest.*

School warrants shall not be issued without a vote of the district school board, and they must be drawn and signed by the chairman of the board and countersigned by the district clerk; *provided*, that if there should not be any money in the treasury they shall be marked "not paid for want of funds," and said orders shall draw interest at the legal rate from the date of endorsement until paid. [L. O. L. § 4052; subd. 16.]

§ 104. *Duty Must be Performed at a Regular Meeting—Contract Void, When.*

Any duty imposed upon the board as a body must be performed at a regular or special meeting, and must be made a matter of record. The consent to any particular measure obtained of individual members when not in session is not an act of the board, and is not binding upon the district. If a contract is made without authority of the board, the individual making such contract shall be personally liable. [L. O. L. § 4052; subd. 17.]



§ 105. *Schools Free, to Whom.*

They shall admit free of charge to the schools of their districts all persons between the ages of six and twenty-one residing therein, and all other persons may be admitted on such terms as the district may direct. [L. O. L. § 4052; subd. 18.]

§ 106. *Directors Shall Not Have Pecuniary Interest.*

It shall be illegal for any director, either directly or indirectly, to have any pecuniary interest in the erection of schoolhouses, or for the warming, ventilating, furnishing, or repairing the same, or to receive or accept any compensation for his services rendered as a member of the board. [L. O. L. § 4052; subd. 19.]

Under this section, concerning purchases of supplies for school districts by school directors, no sale of anything in which a director may have a pecuniary interest should be countenanced; and, therefore, in a libel action for charging a school director with a violation of his duty by selling to his district articles used in daily routine, though not properly for use

"in the erection, or for the warming, ventilating, furnishing, or repairing" of school houses, defendant should be permitted to show in mitigation of damages any purchases in which plaintiff was pecuniarily interested made by the school board while he was a director: (*Woolley v. Plaindealer Pub. Co.* 47 Or. 619, 84 Pac. 473.)

§ 107. *Demands Approved, When—Examination of Contracts.*

All demands, whether by contract or otherwise, must be approved by the district school board, when in session, before an order can be drawn on the district clerk for them, and no officer can draw an order on the treasurer unless he is authorized to do so by a vote of the board, at a regular or special meeting. It shall be the duty of the board to examine all contracts for the employment of teachers and the construction of schoolhouses, or for any other purpose, and to see that stipulations have been complied with, before they authorize the payment of money thereon. [L. O. L. § 4052; subd. 20.]

§ 108. *Chairman and Clerk May Draw Warrants, When—Report Must Be Received, Etc.—Teachers Must Hold Legal Certificates.*

The board may authorize the chairman and clerk to draw warrants for the payment of teacher's salary at the end of each school month, upon proper evidence that the service has been performed, but the order for wages for the last month of the term shall not be drawn until the teacher's report shall have been received, examined, accepted, and filed in the office of the district clerk; *provided*, that all teachers must hold legal certificates, and that said certificates must cover the entire time of the teacher's service, and must specify all

the branches taught, and such certificate can neither directly or indirectly be made to legalize another teacher's services. [L. O. L. § 4052; subd. 21.]

§ 109. *Dismissal of Teachers.*

The board shall dismiss teachers only for good cause shown, and, in case the board shall pass an order to dismiss, the material reason therefor shall be spread upon the record by the district clerk. [L. O. L. § 4052; subd. 22.]

§ 110. *Appeal.*

If a teacher is unjustly dismissed, he may take an appeal from the action of the board in dismissing him to the county superintendent and thence to the Superintendent of Public Instruction, but, for a breach of contract of teaching, the teacher or the district shall have their ordinary legal remedies. In the trial of a teacher, when it is sought to dismiss him, as above provided, the board, the county superintendent, or the State Superintendent, as the case may be, shall give the teacher due and legal notice of the charges against him, and an opportunity to be heard in his own defense in person or by attorney. [L. O. L. § 4052; subd. 23.]

§ 111. *May Prosecute, When.*

It shall be the duty of the board of directors to prosecute any person who shall willfully write, make marks or draw obscene pictures on the walls or any other parts of any school house or outbuilding, or furniture thereof, or for defacing or damaging any school building; and, any person thus defacing or injuring public school property, shall be punished by a fine of not less than \$5.00 nor more than \$20, and justice's courts shall have jurisdiction of this offense. Such fine shall be paid by the justice within thirty days to the county treasurer, taking his receipt therefor. All moneys received by the county treasurer in this manner shall be credited to the county school fund. [L. O. L. § 4052; subd. 24.]

§ 112. *Kindergartens.*

The district school board of any school district in the State of the first or second class may, when authorized thereto by the qualified electors of such district, provide for the establishment and maintenance therein, as part of the common school system thereof, of schools commonly known as kindergartens, and such school shall be free to children over four years of age. [L. O. L. § 4052; subd. 25.]

§ 113. *Schoolroom May Be Used, When.*

A district school board may, at its discretion, permit a school house, when not occupied for school purposes, to be used



under careful restrictions for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, but for any such use or privilege it shall not be at the cost for fuel, or otherwise, to the district. No dancing shall be permitted in any schoolroom. Nor shall any furniture, which is fastened to the floor, be removed, and whoever removes any school furniture, for any other purpose than repairing the same or repairing the schoolrooms, shall be guilty of a misdemeanor, and shall be fined not less than \$5.00 nor more than \$10 for each offense. All fines imposed and collected, under the provisions of this subdivision, shall be paid into the general school fund of the State; *provided*, that the power delegated to the board, by this act, may be denied a district school board, by a majority of the legal voters present and voting at the annual meeting, or at a special meeting called for that purpose. [L. O. L. § 4052; subd. 27.]

§ 114. *Uniform Series of State Blanks.*

The board shall cause to be used in each district a uniform series of State blanks, registers, etc., whenever the same shall be supplied by the State. [L. O. L. § 4052; subd. 28.]

§ 115. *Bond of Clerk.*

The school board shall require and take from the clerk a bond with one or more sufficient sureties, the amount thereof to be sufficient to secure the school money that may come into his hands, conditioned for the faithful performance of his duties, which bond shall be filed with the county superintendent; *provided*, that no director shall be a surety on said bond. [L. O. L. § 4052, subd. 29.]

School district boards of directors fix the amount of the district clerk's bond, subject to the approval of the county school superintendent. (Report of Attorney General, 1909, p. 32.)

§ 116. *Other Duties.*

The directors shall perform such other duties not provided for in this section as the wants of the district may from time to time demand. [L. O. L. § 4052, subd. 30.]

§ 117. *To Facilitate the Sale of School Bonds.*

Before the legal voters of any school district in the State of Oregon shall authorize the directors of such district to make a loan, borrow money, or issue bonds, the board of directors, at a legally called meeting of said board, shall decide whether the bonds, authorized by the legal voters to be issued, shall be negotiated and sold according to the provisions of section 118 or the provisions of sections 119-125, and the same shall be negotiated and sold under the provisions of the section so selected by said board of directors. [L. O. L. § 4053.]

§ 118. *May Contract Debt, When.*

When authorized by a majority vote of the legal voters present at any legally called school meeting, they may, in the name and on behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district, for the purpose of building a school building or repair of school buildings, or for the purchase of land for school purposes, and issue negotiable, interest-bearing warrants (and fix the time of payment of the same) of their district, evidencing such debt; and they may, from time to time, not oftener than once a year, levy a tax on the taxable property of the district to pay the interest thereon, or principal, when due, which taxes shall be collected in the same manner as other school taxes are or may be collectible by law; *provided*, that whenever a school district in this State shall make a loan, borrow money, or refund any existing debt created by a vote of the electors or by the directors in pursuance of any statute, the *bona fide* resident citizens of such district shall have the right to subscribe for such loan, and it shall be the duty of the board of directors to order an advertisement to be published, setting forth the amount of such loan, the number of years the same shall run, and the rate of interest, in a newspaper published in the district, or by posting notices in three public places; and each *bona fide* resident of such district shall have the right to subscribe once for said loan for the entire amount, or any portion of the same, not less than \$50 at par value, and in placing the loan the directors shall issue the same, whether it be in notes, warrants or bonds of the district, to the smallest subscriber or subscribers first, one note, warrant or bond to each subscriber, upon payment of the amount subscribed in lawful money of the United States, until the entire loan has been placed; *and it is further provided*, that in case each *bona fide* resident of the district has had opportunity to subscribe for such loan and the same has not all been taken and issued to such subscribers, or in case the subscribers do not call for the same within three days after the time fixed for delivery of the said notes, warrants or bonds of the district, the directors may permit such subscribers to make further subscriptions, in the same manner as heretofore provided in this section, until all the loan has been taken. [L. O. L. § 4052, subd. 6.]

A school district is not authorized to create a bonded indebtedness in excess of five per cent of its taxable property. Report of Attorney-General 1911, p. 61.

The board of directors of a school district may advertise for subscriptions for the indebtedness of the district in such amounts as it may deem advisable. (*Amort v. School District*, 48 Or. 522, 87 Pac. 761.)

It is not necessary to the validity of an obligation of a school district that it appear by the records of the clerk that the indebtedness does not exceed the legal limit, that matter being determinable from the assessment. (*Amort v. School District*, 48 Or. 522, 87 Pac. 761.)

A vote of the electors of a district authorizing the directors to contract a greater debt than they can lawfully do is sufficient authority to incur a debt to the lawful limit. (*Vaughn v. School Dist.* 27, 27 Or. 63, 39 Pac. 393.)

§ 119. *Election on Contracting Bonded Debt.*

On the petition of ten legal voters of any school district, which petition shall be substantially in the following form, to wit,—

To the District School Board of District No.....of.....County, State of Oregon:

We respectfully request you to submit to the legal voters of said district the question of contracting a bonded debt of said school district in the sum of.....dollars, for the purpose of....., and that you will call a school election for that purpose.

.....  
 .....  
 .....

—the district school board of said district shall direct the clerk of said district to cause to be posted a notice of election, which notice of election shall be as near as may be as follows:

SCHOOL DISTRICT BOND ELECTION NOTICE.

Notice is hereby given that at a school meeting of school district No....., of.....County, Oregon, to be held at....., said district, on the.....day of....., 19....., there will be submitted to the legal voters of said district the question of contracting a bonded debt of .....dollars, for the purpose of....., the vote to be by ballot, upon which shall be the words "Bonds—Yes," and the words "Bonds—No." Polls to be open at 1 o'clock P. M., and remain open until 4 o'clock P. M.

By order of the board of directors of school district No....., of ..... County, Oregon.

Dated this.....day of....., A. D., 19.....

(Signed) ....., Clerk.

Which said notice shall be posted for the period of twenty (20) days prior to such election in at least three (3) public and conspicuous places in said district, one of which places shall be the place of meeting. The meeting shall be called to order by the chairman, or some other member of the board of directors, and the taxpayers shall proceed to elect three judges and a clerk of election, who shall conduct the election. When the polls are closed the judges and clerk shall proceed to canvass the vote and shall certify the result to the board of directors, the county treasurer, and the county superintendent. [L. O. L. § 4052, subd. 31.]

\*See Sections 126-131 as to duty of school officers to offer bonds to State Land Board.

§ 120. *Bonds.*

If a majority of the votes cast read "Bonds—Yes," the board of directors, as soon as practicable, shall issue coupon bonds of the district, not exceeding in par value the amount stated in the notice of election, bearing interest not to exceed legal interest per annum, payable semi-annually, redeemable at the pleasure of said district (after ten years), but due and payable absolutely twenty years from date; but in no case shall the aggregate of bonded debt in any school district exceed five per centum of the value of the taxable property of any such district. The principal and interest of such bonds shall be payable at the office of the county treasurer in which the district may be situated, or at such place as may be designated in the city and State of New York, at the option of the purchaser thereof. All such bonds so issued shall be signed by the chairman of the board of directors and attested by the district clerk, and countersigned by the county treasurer; and ten coupons attached to said bonds shall be signed by the chairman of the said board of directors and countersigned by the district by original or facsimile signatures. Whenever any school district shall issue bonds under the provisions of this section, all such bonds shall be issued to the county treasurer of the county and be registered by him in a book kept for that purpose in his office, noting the school district, amount, date, time and place of payment, rate of interest, and such other facts as may be deemed proper; and all such bonds shall state, on their face, that they were issued under the provisions of this section. [L. O. L. 4052, subd. 32.]

§ 121. *Sale of Bonds.*

The county treasurer shall sell said bonds for the best price obtainable, and hold the proceeds subject to the order of the board of directors, but no bonds shall be sold for less than par. [L. O. L. 4052, subd. 33.]

§ 122. *Levy of Tax to Pay.*

The directors of said district must ascertain and levy annually a tax sufficient to pay the interest accruing on said bonds as it becomes due, and at the expiration of ten years from date of said bonds, and annually thereafter until full payment of said bonds is made, they shall levy, in addition to the tax required to pay such interest, an amount for a sinking fund sufficient to meet the payment of said bonds at maturity, such amount to be not less than one-tenth of the amount of bonds outstanding and unpaid, and the fund arising from such levy shall be kept as the bond redemption fund of said district; and each of said tax levies shall be a lien upon the taxable property in said district,

and must be collected in the same manner as taxes for other school purposes; and all such taxes shall be paid to the county treasurer, who shall, with the money so received, pay the said interest coupons and bonds as they become due. [L. O. L. § 4052, subd. 34.]

§ 123. *Levy by County on Failure of District.*

If the directors of any school district issuing the said bonds shall fail or refuse to levy the tax necessary to be levied for such interest or sinking fund to pay said bonds, it shall be the duty of the county treasurer to ascertain the amounts necessary to be levied for such interest or sinking fund to pay said bonds and interest; and it shall be the duty of the county court or county board of commissioners to levy a tax equal to said sum so required and ascertain on the certificate thereof by the county treasurer; and the proper county officer having power to extend county taxes shall extend the same upon the tax roll of said county upon the taxable property of said school district only; and the proper county officer whose duty it is to collect taxes shall collect the same according to law; and the said collecting officer shall pay said funds so collected into the county treasury to the credit of the school district issuing such bonds, to be applied to the payment of said bonds and interest. [L. O. L. § 4052, subd. 35.]

§ 124. *County Treasurer to Make Payments.*

The county treasurer must pay out of any moneys so levied and collected belonging to the school district the interest or principal, as the case may be, upon any bond issued under this section by school districts, when the same becomes due, and at such places as designated in such coupons or bonds, or upon the presentation at his office of the same, which must show the amount due and the number and series of the bond, and all coupons or bonds so paid must be immediately reported to the directors of the district. [L. O. L. § 4052, subd. 36.]

§ 125. *Issue and Exchange of Bonds.*

Whenever any school district in this State shall, under any laws of this State, have contracted any indebtedness or issued any bonds for the purchase or the building of any schoolhouse or any furnishing of the same, it shall be lawful for said school district to issue and exchange its bonds for any such indebtedness, at a rate of interest not greater than that borne by the original indebtedness, by a majority vote of the taxpayers of the district; and said bonds shall in all respects conform to and be governed in all their issuance and execution by the provisions of this section, except as to those pro-

visions requiring a vote of the taxpayers. At any time after the issuance of such bonds, and the discharge of the duties imposed upon said county treasurer, should any incidental expense, cost, or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid for under the provisions of the law. Whenever the amount of any sinking fund created under the provisions of this section shall equal the amount, principal and interest, of any bond then due or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bond is located, to publish a notice in the newspaper published nearest to said school district, and also in one published at the State capital, that the said county treasurer will, within thirty (30) days from the date of said notice, redeem and pay any such bond then redeemable and payable, giving priority according to the date of issue numerically, and, upon presentation of any such bond or bonds, the said treasurer shall pay the same. In case any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond or bonds and the interest accrued thereon up to the last day of the time of redemption mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled and write across the face of such bond the word "redeemed," with the date of redemption, and shall deliver the same to the board of directors of such school district, taking the directors' receipt therefor. Each county treasurer of the State, and the sureties on his official bond as such, shall be liable to any school district in his county for any funds placed in the hands of such treasurer, under the provisions of this act. [L. O. L. § 4052, subd. 37.]

In a suit to enjoin the issue of bonds to build a district school building, on the ground that the meeting of the district board authorizing the issue of the bonds was not legally convened, even if plaintiff had knowledge of the meet-

ing and participated therein, and was thereby estopped to question the validity of the proceedings in equity, such facts would be a matter of defense by way of estoppel. (*Rlags v. Polk County* 90 Pac. 5.)

#### § 126. *Notice to State Land Board of School Bond Sales and Their Action Thereon.*

At the time of offering for sale any bonds issued by any school district in Oregon, notice of such issue and the amount thereof shall be given to the State Land Board by the school district officers in charge of such issue, and the State Land

Board shall have the preferential right to purchase and pay for all or any number of said bonds out of the irreducible school fund, University fund, or Agricultural College fund, or other funds in its hands or under its control, at their par value, *provided*. said bonds cannot be sold by such school district for more than their par value. After receiving such notice the said State Land Board shall determine whether or not to purchase such bonds, or any number of them, and said State Land Board shall immediately thereafter give notice to the proper school district officers of its decision, which decision shall be binding upon the officers charged with the issuance and execution of such bonds. If the State Land Board determine not to make such purchase, or to purchase only a part of such issue, then the officials in charge of the execution of such bonds shall proceed to advertise and sell such bonds as the State Land Board elects not to take, in the manner now provided by law. [L. O. L. § 3919.]

§ 127. *Proof of Legality of Issue to Be Submitted With Notice.*

There shall be presented to said State Land Board, at the time of the giving of the notice of such issue of bonds, full and complete proof of the proceedings and actions taken in reference to the issue of said bonds, with the opinion of the district attorney, or local attorney for the State Land Board, showing the regularity and the legality thereof together with a certificate showing the amount of the taxable property and the amount of indebtedness against such school district, and any other information required by the State Land Board. [L. O. L. § 3920.]

§ 128. *Terms and Conditions of Purchase of Bonds by Board.*

Any purchase by said State Land Board may be made payable in any number of years, not less than one, and due in any number of years, not to exceed twenty, and any such bonds purchased by said State Land Board may be written or printed, with or without coupons, and the denomination may be in any amount, not exceeding \$10,000, as may be agreed upon by the parties, and the interest shall not be less than five per cent per annum. [L. O. L. § 3921.]

§ 129. *Bonds to Be Paid Out of Proper Fund.*

When any such bond or bonds, are duly executed and delivered to the State Land Board, the State Land Board shall cause the same to be paid for, specifying the fund out of which the same is payable in favor of the school district issuing such bonds, and the body receiving the same shall place the same to the credit of the fund for which the same was borrowed. [L. O. L. § 3922.]

§ 130. *Bonds So Purchased Subject to Sale—Proceedings Thereon.*

All bonds purchased under the provisions of this act shall be subject to the sale and disposition at any time under the order and direction of said board, when the said board shall deem it advisable to make such sale and disposition thereof; and the proceeds of such sale shall be divided and paid into the fund from which the investment was made, the principal to the permanent fund and the interest and other profits to the interest fund, and the principal may be reinvested in such bonds as may be deemed prudent by the said board. Every sale or disposition of bonds authorized in this section shall be reported, with the reasons therefor, to the Legislature, in the biennial report of the State Land Board. [L. O. L. § 3923.]

§ 131. *Penalty.*

It shall be mandatory upon all officers in charge of school districts for bond sales to first offer the proposed issue of bonds to the State Land Board for the investment of the irreducible school, university, or agricultural college, or other fund in their charge, and any willful failure to comply herewith shall be deemed a misdemeanor, punishable by a fine of not less than \$10 nor more than \$100, and the district attorney of the judicial district for the proper county must prosecute such offending officers upon the request of the State Land Board. [L. O. L. § 3924.]

§ 132. *District Board May Refund Indebtedness.*

Whenever any school district of the first or second class in this State shall have contracted any indebtedness or issued any bonds for the purchase or building of any school houses or in furnishing the same, or for the purchase of any school house site, it shall be lawful for said school district, by and through its board of directors, to issue and exchange its bonds for any such indebtedness at a rate of interest not greater than that borne by the original indebtedness; and said bonds shall in all respects conform to and be governed as to their sale, issuance and execution by the provisions of section 4052, Lord's Oregon Laws, sections 119-125, of this compilation, except that the refunding of said indebtedness and the issuing of bonds for such purpose shall not require a vote of the taxpayers, but may be done by the board of directors at any legally called meeting of said board. [L. O. L. § 4054.]

§ 133. *Transportation of Pupils.*

A district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, furnish transportation to and from school to all pupils living more than two



miles from the school building; and may at their discretion, provide for the transportation of any and all pupils residing nearer than two miles from the central building; said distance, in either case, to be measured from the inclosure immediately surrounding their residence to the school house property along the nearest traveled road; *provided*, that the district school board may, at its discretion, pay the board of any pupil or pupils at any suitable place near any established school, instead of providing conveyance for said pupil or pupils, when, in their judgment, it may be done at an equal or less expense than by conveyance. District school boards of such districts are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts; and shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, levy a tax upon the taxable property of their districts for the purpose of carrying out the provisions of this section. [L. O. L. § 4055.]

§ 134. *District May Suspend School, When.*

The district school board of any legally organized district shall, when authorized by a majority vote of the legal voters present at any legally called school meeting, suspend the district school for such time as they may have been authorized, and arrange with any adjoining or other district, or districts, during the time when the school shall be suspended for the instruction of the pupils of such district; and, also, provide for the transportation of any or all pupils residing therein to and from the school house in the district with which the arrangements for their instruction is made, and to pay for the amount of expense incurred in providing for the transportation and for tuition of pupils in an adjoining or other district or districts. District school boards are hereby authorized to pay for the transportation or board of pupils, as provided for in this section, out of the common school fund of their respective districts, and when authorized by a majority vote of the legal voters present at any legally called school meeting, shall levy a tax upon the taxable property of their districts for the purpose of carrying out provisions of this section. [L. O. L. § 4056.]

This act does not provide for the suspension of a part of the grades, but for a suspension of the school. Dropping a grade and providing for the

pupils of that grade to be taught in another district is not within the purview of this act. (Report of Attorney General, 1907, p. 82.)

§ 135. *Flags for School Districts.*

The boards of directors in the several school districts of this State shall procure a United States flag of suitable size, and shall cause said flag to be displayed upon or near each

public school building during school hours, except in unsuitable weather, and at such other times as to said board may seem proper. [L. O. L. 4057.]

§ 136. *Expense, How Paid.*

The necessary funds to defray the expenses to be incurred for such flags and for poles and appliances necessary in connection therewith, and for the care thereof, shall be assessed and collected in the same manner as the moneys are now raised by law for public school purposes, or may be paid out of any funds in the treasury of any school district not otherwise appropriated. [L. O. L. § 4058.]

§ 137. *Vacancies in Offices of Clerk and Director.*

The county school superintendent shall declare the office of a clerk or director vacant upon the happening of any of the following causes:

1. The death or resignation of the incumbent.
2. When an incumbent shall be removed from office or his election thereto shall have been declared void by the judgment or decree of any competent court.
3. When an incumbent shall cease to be a resident of the district.
4. When an incumbent shall cease to discharge the duties of his office for two consecutive months, unless he shall have been prevented from discharging such duties by sickness or other unavoidable cause.

When a vacancy shall occur in the office of director in a district of the first class, the clerk of said district shall forthwith call a meeting of the remaining member or members, who shall at once fill the vacancy from any of the qualified voters of the district.

When a vacancy shall occur in the office of director or clerk in a district of the second or third class a special school meeting to fill said vacancy shall be called in accordance with section 161; *provided*, that should the office of each director of any district be vacant at the same time, it shall be the duty of the county school superintendent to call a school meeting in such district to fill such vacancy, in accordance with section 161 of this compilation; *provided further*, that should the vacancies occur in a joint district, it shall be the duty of the county superintendent of the county containing the greater number of persons, in such district between the ages of four and twenty years as shown by the clerk's last annual report, to declare the offices vacant or to call the meeting as provided for in this section. [Lord's Oregon Laws, § 4062.]

The resignation of a school director must be presented to the power authorized to and accepted by the electors of his district is of no effect. Being an elective office, the resignation must be presented to the power authorized to call an election to fill the vacancy. (*Vaughn v. School Dist.* 27 Or. 65, 39 Pac. 393.)

§ 138. *Violations of School Law—Penalties.*

If a director shall be guilty of misfeasance or malfeasance in the office, he may, by the appropriate proceeding, be removed from office by a court of competent jurisdiction.

Any member of any school district board, or any school clerk, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and any teacher who shall violate any of the provisions of this act shall be liable to immediate dismissal, and it shall be the duty of the county superintendent to prosecute and carry out the provisions of this section. [Lord's Oregon Laws, § 4063.]

§ 139. *Fines—Where Paid.*

All fines collected for any violation of this act shall be paid to the treasurer of the county where the suit is brought, for the support of the common schools. [Lord's Oregon Laws, § 4064.]

§ 140. *Doors of School Buildings Must Open Outward.*

The outside doors, and other exits leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward. [Lord's Oregon Laws, § 4987.]

§ 141. *Duty of Persons Having Control of Building—Penalty.*

It shall be the duty of the owner, lessee, or tenant, or person having control of any of the buildings enumerated in the preceding section to provide outside doors, and other doors leading thereto in such building, opening outward, within six months after the time this act takes effect; and any owner, lessee, tenant, or person having control of any such building who fails or refuses to so provide doors opening outward, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than ten days nor more than six months, or by both such fine and imprisonment, and each day which such offending person shall fail to comply with the provisions of this act shall be deemed a separate offense. [Lord's Oregon Laws, § 4988.]

## CHAPTER VI.

## DISTRICT SCHOOL CLERKS.

§ 142. *Bond of School Clerk.*

Before assuming the duties of his office the district clerk shall give a good and sufficient bond, equal in amount to not less than double the probable amount of all school moneys that shall come into his hands as clerk of such district. The bond of the district clerk shall be presented to and accepted by the district school board of his district within ten days from the date of his election or appointment as such district clerk, which bond shall be filed with the county superintendent within thirty days from the date of the election of the district clerk. [Lord's Oregon Laws, § 4065.]

School district boards of directors county school superintendent. (Report of Attorney General, 1909, p. 32.)  
fix the amount of the district clerk's bond, subject to the approval of the

§ 143. *New Bond, When—Failure to Give, Effect Of.*

Every clerk of a school district who is his own successor shall give a new bond for the term for which he is re-elected, within the time hereinbefore named for the presentation of his bond to the directors, and his former bondsmen shall not be liable for defaults committed within the term for which he is re-elected. In case any district clerk shall fail to give a bond within the time hereinbefore mentioned for the presentation and acceptance of such bond, the office of clerk shall be declared vacant by the district school board; *provided, however,* that in the event any board of directors shall accept a bond of the district clerk after thirty days have elapsed from the date of the election or appointment of such clerk then said bond so accepted shall be valid. [Lord's Oregon Laws, § 4066.]

§ 144. *Record—District Clerk Shall Keep—Notice of School Meetings.*

The clerk of every school district shall record all the proceedings of the district and board meetings in a book provided for that purpose. He shall give notice, as required in this act, of all annual and special district meetings. [Lord's Oregon Laws, § 4067.]

The clerk of a school district at any time while he is still in office has power and it is his duty to correct the records that he has kept of school meetings so as to make them conform to the facts, and such records can not in collateral proceedings be varied or contradicted by parol evidence.

(Vaughn v. School Dist. 27 Or. 62, 39 Pac. 393.)

Under Section 161, relative to notices of school meetings, and Sections 144 and 158, relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his

official record is sufficient evidence of what he did. (*Amort v. School Dist.*, 48 Or. 522, 87 Pac. 761.)

Sections 538 and 539 L. O. L., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (*Amort v. School Dist.*, *supra*.)

The board of directors of a school district may advertise for subscriptions for the indebtedness of the district in such amounts as it may deem advisable. (*Amort v. School Dist.*, *supra*.)

It is not necessary to the validity of an obligation of a school district that

it appear by the records of the clerk that the indebtedness does not exceed the legal limit, that matter being determinable from the assessment. (*Amort v. School Dist.*, *supra*.)

Where the clerk of a school district fails or neglects to be present at a meeting of the district or to act as secretary thereof, the meeting has power to appoint a secretary pro tem., and the entries of the business of such meeting in the minutes by such secretary pro tem. are evidence of the proceedings of the meeting. (*State ex rel. v. McKee*, 20 Or. 120, 25 Pac. 292.)

#### § 145. *Annual Report to District and County Superintendent.*

Every district clerk shall make an annual report to his district and to the county superintendent according to the form prescribed by the State Board of Education, and shall forward a certified copy of the same to the county superintendent within five days after the annual school meeting. [Lord's Oregon Laws, § 4068.]

#### § 146. *Census—District Clerk Shall Take.*

Every district clerk shall enroll annually during the last week in November for school purposes the names and ages of all persons in his district over four and under twenty years of age and also the names and postoffice addresses of all parents and guardians of such persons resident in the district. This annual school census shall include all youths between the ages of four and twenty years who, on the twenty-fifth day of November, actually resided in the district. [Lord's Oregon Laws, § 4069.]

#### § 147. *Census Report—Special.*

Where the annual census of any school district shows an increase of one hundred per cent or more in the number of children resident in such district between the ages of four and twenty years over the number of such children as shown by the last annual report of the clerk of such district, it shall be the duty of such clerk to immediately report such increase to the county superintendent; and thereafter in any apportionment of school funds in proportion to the number of such resident children in the several school districts, the number of such resident school children in the several districts as shown by such annual census shall be used as the basis of such apportionment instead of the number thereof shown by the last annual report. [Lord's Oregon Laws, § 4070.]

#### § 148. *Census Report False—A Misdemeanor.*

Every member of a board of directors, or district clerk, who shall willfully sign a false report to a county school superintendent, with intent of causing such superintendent to appor-

tion a larger sum than its just proportion of school moneys to his school district, shall be deemed guilty of a misdemeanor, and such district shall also forfeit for each offense the sum of twenty-five dollars (\$25) of its proportion of the county school fund. Such penalties, and any fines which shall be imposed for such misdemeanor, are for the benefit of the common school fund of the county. [Lord's Oregon Laws, § 4004.]

§ 149. *Census Report—Copy to County Superintendent.*

The clerk shall, within ten days after taking such annual census, forward a certified copy of the same to the county superintendent, who shall immediately examine into its correctness, and should a report be incorrect, a county superintendent may correct said report, or cause the clerk to correct said report, and in case the board of directors and the district clerk are not satisfied with the county superintendent's ruling relative to the correctness of such report, they may appeal to the district boundary board, which is hereby authorized to decide as to the correctness of the report, and the decision of said district boundary board shall be final. No corrections shall be made after January 1, of the year immediately following the annual census. [Lord's Oregon Laws, § 4071.]

§ 150. *Blind and Deaf—Clerk Shall Enumerate.*

The district clerk shall enumerate, at the same time he takes his annual census, the name, age, residence, and post-office address of every person blind or deaf to such an extent as to be unable to acquire an education in the common schools, and who resides in the district in which he is clerk, and report the same to the county school superintendent at the time of making his annual report. [Lord's Oregon Laws, § 4072.]

§ 151. *Books Open for Inspection.*

The books and accounts of the district clerk are public records and shall be subject to inspection at any and all proper times; and the directors shall at the annual meeting of the school district make a thorough examination of the books and accounts of the district clerk. [Lord's Oregon Laws, § 4073.]

§ 152. *Uniform Blanks.*

Clerks of all school districts within this State shall use a uniform series of state blanks, blank reports, registers, warrant books, etc., whenever the same shall be provided by the authority of the State; and when the same have been received he shall immediately receipt to the county school superintendent for them, on blanks furnished for that purpose. [Lord's Oregon Laws, § 4074.]

§ 153. *Teacher's Warrant to Be Drawn, When.*

The clerk of each school district shall refuse to draw an order for the teacher's wages for the last month until the teacher's register, copy of programme, classification of pupils, where each class began and closed in the state course of study, and such other data as may be required by the State Board of Education or the county superintendent, shall have been examined, approved by the clerk and filed in his office. [Lord's Oregon Laws, § 4075.]

§ 154. *Shall Turn Property Over to Successor.*

The district clerk shall turn over all district money, books, and papers to a duly qualified successor. [L. O. L. § 4076.]

§ 155. *Shall Send List of Officers to County Superintendent.*

He shall within five days after the annual school meeting send to the county school superintendent a list of the officers of his district, which list shall give the length of term of office of each director and the postoffice address of each director and clerk of the district. [L. O. L. § 4077.]

§ 156. *Shall Keep a Financial Record.*

It shall be the duty of the district clerk to keep a correct account in a book provided for that purpose of all moneys coming into his hands and of all paid out belonging to his district, and he shall make a report of the same to the annual meeting, and when called upon by directors to do so, shall report at special meetings. [L. O. L. § 4078.]

§ 157. *Shall Get Money From County Treasurer.*

When the district clerk receives the superintendent's order for the money set apart for his district out of the county school fund, he shall call upon the treasurer, either in person or otherwise, present his order and get the money; and it is hereby made the duty of the county treasurer to report at once to the county superintendent whenever such moneys are received by him. [L. O. L. § 4079.]

§ 158. *Secretary of School Meetings.*

The district clerk shall act as secretary of all district and board meetings, and shall perform all other duties required of him by this act, and should he fail to perform all such duties he shall suffer the enforcement of his bond. [L. O. L. § 4080.]

Where the clerk of a school district fails or neglects to be present at a meeting of the district or to act as secretary thereof, the meeting has power to appoint a secretary *pro tem.*, and the entries of the business of such

meeting in the minutes by such secretary *pro tem.*, are evidence of the proceedings of the meeting. (State *ex rel.* v. McKee, 20 Or. 120, 25 Pac. 292.)

See, also, notes to Section 144.

§ 159. *Compensation.*

Clerks in districts of the first and second class shall receive as compensation for their services such a sum as in the judgment of their respective boards shall be adequate. In districts of the third class, they shall receive as compensation for their services not less than \$5 nor more than \$25 annually. [L. O. L. § 4081.]

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CHAPTER VII.

SCHOOL MEETINGS.

§ 160. *Annual and Special School Meetings.*

The legal school voters of each school district of the State shall meet once every year, which meeting shall be known as the annual school meeting, and may hold special meetings as the interest of such district shall require. [L. O. L. § 4082.]

§ 161. *Meetings, How Called.*

All regular and special school meetings must be convened by a written call, stating the objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in the district at least ten days before the day appointed for said meeting. [L. O. L. § 4083.]

Under this section, relative to notices of school meetings, and Section 144, relative to the duties of clerks of school districts, it is part of the official duty of a school clerk to post notices for special meetings, and his official record is sufficient evidence of what he did. (*Amort v. School Dist.*, 48 Or. 522, 87 Pac. 761.)

Sections 538 and 539, L. O. L., requiring proof of the service of a summons to be by affidavit, do not apply to the proof of posting notices of school meetings. (*Amort v. School Dist.*, *supra.*)

Section 166, vesting in school district meetings the power to levy taxes, expressly limits such power to "district meetings legally called"; Section 86 empowers the district school board to call meetings generally, and Section 102 empowers it to call meetings to consider the question of erecting school buildings. Section 161 provides that all regular and special school meetings must be convened by a call stating the

objects of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board. *Heid*, that Section 161 was intended to designate the persons who should give notice of a called meeting ordered by the board, and not merely to give the officers therein named a discretionary power to call a meeting, and the existence of the same power in some other body was necessarily excluded. (*Riggs v. Polk Co.* 51 Or. 509, 95 Pac. 5.)

The statute recognizes the permanent and separate existence of the office of "chairman of the board," and by Section 85 the oldest in service of the directors was chairman of the board, and hence a special meeting called under Section 161 signed by the next oldest member of the board was not signed by "the chairman of the board," as required thereby, and bonds issued at such a meeting were invalid. (*Riggs v. Polk Co.*, *supra.*)



§ 162. *Chairman—Director Longest in Office.*

The director who has served the longest time as such shall act as chairman of district meetings, and in case of his absence, the other directors in the order of such seniority; and in case neither of the directors is present at a district meeting, the qualified voters present shall elect a chairman. [L. O. L. § 4084.]

The "oldest in office of the directors present" means the director who has served the longest time is such under an election, and not the one who is serving the longest time by appointment to an unexpired term. (State *ex rel. v. McKee*, 20 Or. 124, 25 Pac. 292.)

If the clerk of a school district fails or neglects to be present or to act as secretary thereto, the meeting has power to appoint a secretary *pro tem.* (State *ex rel. v. McKee*, 20 Or. 124, 25 Pac. 292.)

§ 163. *Rules of Order—Division.*

All district school meetings shall be conducted in a decent and orderly manner, and shall be governed by the rules of order commonly in use by such bodies; *provided*, that a division shall be granted if demanded by two or more voters of the meeting, except in case of an election to fill vacancies of district officers. [L. O. L. § 4085.]

§ 164. *Time of Annual Meeting.*

The annual school meeting in all organized districts shall be held on the third Monday in June, 1902, and every year thereafter, or, if it be a legal holiday, the next day thereafter, for the transaction of such business as shall properly come before it; and the fiscal school year shall begin on the third Monday of June and end of the last day of June. [L. O. L. § 4086.]

§ 165. *Election by Ballot—Terms of Office.*

1. Districts of the first class shall elect one director for each district on the day of the annual school meeting, to serve for five years, and such election shall be held from 2 P. M. until 6 P. M. and it shall be by ballot, and such ballot shall be uniform, and shall be provided by the board of directors. The judges of such election shall be appointed by the board of directors, to receive and canvass the vote and report the results to the board.

In all other districts there shall be elected by ballot at the annual school meeting one director and one clerk for each district. The director shall hold his office for three years, so that the oldest director shall retire from office in order, and the clerk for one year; *provided*, that districts of the second class may hold elections for director and clerk in the manner provided in this act for holding elections in districts of the first class, when authorized so to do by a majority vote of the legal voters present at any legally called school

meeting; *provided*, that in case of a tie at the election of school officers, said tie shall be decided by lot. [L. O. L. § 4087.]

School elections are neither general nor special elections, and are not governed by the general election law, and if a qualified elector is challenged, the judge is not under any obligation to determine his right to vote as would be required at a general or special election. (*Breding v. Williams*, 37 Or. 437, 61 Pac. 858.)

The power given to the legislature by the Constitution to provide for the establishment of a uniform and general system of common schools carried with

it the power to prescribe the qualifications of voters at a school meeting and at elections for district officers. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89; *Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

School elections are "legally authorized elections" within the meaning of the criminal statute punishing those offering to vote at such elections. (*State v. Hingley*, 32 Or. 441, 52 Pac. 89.)

### § 166. *Power to Levy Tax—Minutes of Meeting.*

(a) District meetings, legally called, shall have power to levy a tax upon all real and personal property in their district, and make any necessary appropriation for the support and benefit of schools, and also adjourn from time to time; *provided*, that no tax shall be levied at any special meeting unless the call for such meeting shall have stated that one of the purposes of such meeting would be the levying of a tax.—(See Sections 195, 198, 199, and 200.)

The minutes of all school meetings must be signed by the chairman and secretary. [L. O. L. § 4088.]

Where a notice of a meeting of the voters of a school district stated that the object thereof was to levy a tax of eight and one-half mills for the building of a school house, and a tax of one and one-half mills for the teacher's fund, a motion at the meeting that "we

proceed to vote on the ten-mill tax," sufficiently indicates that the tax referred to was that mentioned in the notice and the entry in the minutes of the clerk that such motion was carried is a good levy of the tax. (*Vaughn v. School Dist.* 27 Or. 63, 39 Pac. 393.)

### § 167. *Qualification of Voters.*

Any citizen of this State, male or female, who is twenty-one years of age and has resided in the district thirty days immediately preceding the meeting or election, and has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax, shall be entitled to vote at any school meeting or election in said district; *provided*, that, for the purposes of this section, any man who has declared his intention to become a citizen of the United States, and has resided in the State for six months immediately preceding the meeting or election where he proposes to vote, shall be considered a citizen of this State; *provided, further*, that any person shall be deemed to have complied with the property qualifications imposed by this section who presents to the directors or judges of election satisfactory evidence that he or she has stock, shares, or ownership in any corporation, firm, or co-partnership which has property in the district, as shown by the last county assessment, and not assessed by the sheriff, on which such corporation, firm, or co-partnership pays a tax, even

though his or her individual name does not appear upon the tax roll; *provided, further*, that in districts of the third class any head of a family who is otherwise a qualified elector, and having children of school age, may vote at such election without property qualifications. The chairman of any school meeting, or any qualified elector, is hereby authorized to challenge any person who may offer to vote at such meeting. In case an elector has been challenged as disqualified, it shall be the duty of the chairman of such meeting to administer to each person so challenged an oath that he or she will truly answer all questions propounded to him touching his place of residence and qualifications as elector at such meeting, and upon taking which, if the meeting be in a district of the first or second class, he shall interrogate him respecting his citizenship in this State, his age, residence in the district immediately preceding the meeting or election, and whether he has property or shares in a corporation in the district, as shown by the last county assessment, and not assessed by the sheriff, on which he or she is liable or subject to pay a tax; and if the meeting be in a district of the third class, he shall interrogate him as to whether he is the head of a family, and otherwise an elector, and has children of school age in the district. [L. O. L. § 4089.]

The constitutional provision fixing the qualifications of voters (Section 2, Art. II, Const. Or.), does not apply to school elections, and the property qualifications is valid. (*Setterlun v. Keene*, 48 Or. 520, 87 Pac. 673.)

Ownership of property assessed to another does not qualify a voter. (*Setterlun v. Keene, supra.*)

"The contention that the statute is satisfied if the person offering to vote in fact owns property which is listed on the assessment roll, although it may have been assessed in the name of another, is without merit. The requirement is that he must have property 'as shown by the last county assessment.' The ownership of the property must appear from the assessment and can not be shown by extrinsic evidence." (*Setterlun v. Keene, supra.*)

NOTE.—In the case above cited, the

question of a person who holds stocks or shares in a corporation, firm or co-partnership was not at issue. Where the name of a corporation, firm or co-partnership appears on the assessment roll, any one who presents to the directors or judges of election satisfactory evidence that he has stocks, shares or ownership in such co-partnership is entitled to vote.

Under the Constitution the legislature has power to prescribe the qualifications of voters at school meetings and at elections for district officers. (*State v. Hingley*, 32 Or. 440, 52 Pac. 89; *Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

A provision that women may vote at school elections is constitutional. (*Harris v. Burr*, 32 Or. 348, 52 Pac. 17, 39 L. R. A. 768.)

### § 168. *Voting Wards in Districts.*

School districts of the first class may be subdivided into voting wards by the directors of such district, such wards to conform as near as possible to the city wards comprised in its boundaries. The board of directors of all such districts when so subdivided shall establish at least one polling place in each ward, the judge and clerks of which shall be qualified electors within the provisions of this act, and residents of such ward and each elector shall be required to cast his or her ballot in that ward in which he or she resides. [L. O. L. § 4090.]

## CHAPTER VIII.

## SCHOOL DISTRICTS.

§ 169. *Division of Counties Into School Districts.*

For public school purposes, each county in the State shall be divided into convenient subdivisions, to be known as school districts, and those corporate bodies now existing in the various counties of the State under the name of school districts are hereby validated, and the boundaries, school offices and official acts of such districts shall be and remain the same as shown by the records of the county superintendents of the several counties of this State, or the records of such districts at the time this act goes into effect, until changed in the manner prescribed in this act. [L. O. L. § 4090.]

Where a school district has been attempted to be formed, and the law in regard to the formation of such district attempted to be complied with, and such district is in the exercise of its

legitimate powers, its existence can not be attacked except in a direct proceeding by the State for that purpose. (School Dist. v. School Dist., 34 Or. 97, 55 Pac. 98.)

§ 170. *School Districts Classified.*

All school districts now existing, and all that shall hereafter be created under the provisions of this act, shall be classified and known as first class, second class, and third class. The classification shall be made according to the number of children of school age, as shown by the last school census. All districts with one thousand or more children of school age shall be known as districts of the first class. All districts with more than two hundred and less than one thousand children of school age shall be known as districts of the second class. All districts with less than two hundred children of school age shall be known as districts of the third class. [L. O.L. § 4020.]

§ 171. *New Districts—Establishment of by District Boundary Board.*

The district boundary board may establish new districts on the petition of three legal voters of said proposed new districts, and may, at its discretion, upon petition of three or more legal voters interested, change or divide the districts of its county.

When the boundaries of any school district lying in two or more counties are proposed to be changed, in the manner hereinbefore specified, the petition shall first be acted upon by the district boundary board of the county in which lies the greater part of the district proposed to be changed; but, in any such cases, any change of the boundaries in the other county must be concurred in by the district boundary board of that county.

Before any new district shall be established, or change shall be made in the boundaries of any existing district, the superintendent shall cause to be posted in three public and conspicuous places in such proposed district, or in each of the existing districts, at least ten days before action is taken, as herein provided, written or printed notices of the boundaries of the proposed new districts, or the changes to be made in the boundaries of any existing district, and of the session of the board when the same will be done.

No district shall be organized unless it contains at least ten children of school age, and no district shall continue to be a legally organized district unless it has at least six children of school age.

When changes are made in the district boundaries as heretofore set forth, or when any district shall be divided into two or more parts for school purposes, the existing board of directors shall continue to act for both, or all, the new districts or parts of districts until such districts or parts of districts shall have been regularly organized by the election of directors and clerks, as provided by law. [L. O. L. § 4021.]

School districts, containing less than six children of school age, have no authority of law to vote taxes, build school houses, etc. (Report of Attorney General, 1911, p. 74.)

Where the school census of 1908 was less than six children of school age, but the census for 1909 shows six, or more, children of school age, the district is immediately reinstated, after the taking of the later census. The school clerk's annual report is the basis for apportionment of the school fund by the county school superintendent for the year following such annual meeting and report. (Report of Attorney General, 1911, p. 81.)

See note to Section 44.

Under the provisions of this section, providing that the district boundary board may, at its discretion, on petition of three or more legal voters, change or divide the districts of its county, and that the superintendent shall cause to be posted, etc., notices for the proposed change, an affidavit of the posting of the notices made by the superintendent and filed in his office, was sufficient proof of the posting, no

statute requiring such proof to be made in any particular manner. (Nicklaus v. Goodspeed, ... Or. ..., 108 Pac. 135.)

Under this section relating to formation of new school districts and division of assets, and providing that assets shall include all school property and moneys belonging to the district at the time of division, the proceeds of a special tax for building and repairing collected before the division, is included in the assets to be divided, and it is immaterial whether the amount due the new district is paid from the proceeds of the tax or from other funds. (School Dist. v. School Dist. 53 Or. 33, 98 Pac. 523.)

If the proceeds of such tax was a trust fund, it would still be impressed with the trust in the hands of the new district and its payment to the new district would not be a diversion contrary to Section 3, Art IX, Const. Or., providing that every law imposing a tax shall state distinctly the object of the same to which only it shall be applied. (School Dist. v. School Dist. *supra*.)

### § 172. *Division of Assets Between Districts Affected.*

The respective boards of directors of all the districts concerned shall immediately after such organization make an equitable division of the then existing assets and liabilities between the old and the new, or between the districts already existing and affected by such change; and in case of a failure to agree within ten days from the time of such organization, the matter shall be decided by a board of arbitrators chosen by the directors of the several districts concerned. The arbitra-

tors' decision shall be final, except that it may be reviewable by writ of review, as the decisions of other inferior tribunals are reviewed. The said board of arbitrators shall consist of three members, of whom the county superintendent shall be a member and *ex officio* chairman.

Each member of the board of arbitrators, except the county superintendent, shall be entitled to the sum of \$2 per day for each day's service, and necessary traveling expenses, while sitting in their official capacity, and expenses thus incurred shall be equally apportioned among the several districts concerned. Assets shall include all school property and moneys belonging to the district at the time of the division. Liabilities shall include all debts for which the districts in their corporate capacity are liable at the time of division.

In determining the assets, school property shall be estimated at its present cash value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the property, real and personal, and the district retaining the real property, shall pay to the other district or districts concerned such sum or sums as shall be determined in accordance with the provisions of this section; *provided*, that all funds to be apportioned during the current school year, after said division, shall be made in proportion to the number of persons in each district between the ages of four and twenty years who are actual residents of such parts of said districts divided, as shown by the clerk's last annual report of such districts. [L. O. L. § 4022.]

§ 173. *Territory Must Be Contiguous.*

All school districts formed by the district boundary board shall be formed of contiguous territory. [L. O. L. § 4023.]

§ 174. *District in Two or More Counties.*

Where the public good requires it, a school district may be formed of adjacent territory lying in two or more counties; and it shall be the duty of the clerk in such district to report annually to each superintendent having jurisdiction, and such clerk shall include in such report the number of scholars residing, and the total number of days' actual attendance of such scholars, in each county. Said clerk shall be entitled to draw for the benefit of his district that portion of the public school fund due said district from each county.

A certificate received from the superintendent of either county in which such district may be situated shall be sufficient to enable such teacher in such district to draw pay out of the common school fund; *provided*, that such teacher before beginning school shall present for record his or her certificate in the superintendent's office of each county in which said joint district may be located. [L. O. L. § 4024.]

§ 175. *Organization New Districts—Notice to Be Posted—Quorum—Notice to Be Published, When.*

1. The taxable inhabitants of a newly-established district receiving a notice from the county superintendent, as provided by law, shall immediately write and post up three notices in public places in the district, notifying the citizens thereof to assemble at some convenient place for the purpose of organizing such district, and electing three directors and a clerk, to serve the remainder of the school year, or until their successors are chosen and qualified. When three or more voters have assembled pursuant to notice, they shall constitute a quorum to do business, and shall have power to do all business done at annual school meetings; *provided*, that at least ten days' notice shall be given for all meetings called in pursuance of this act; *provided, further*, that in all districts of the first and second class this notice shall be duly published in one or more newspapers of such district, or, in case no such newspaper is published in said district, then notices shall be posted as hereinbefore provided.

*Organization.*

2. Such meeting shall organize by appointing a chairman and secretary, and then may proceed to elect by ballot three directors, who shall hold their offices until their successors are elected and qualified. Such meeting shall also elect a district clerk, who shall hold his office until the first annual meeting thereafter, or until his successor has been chosen and qualified.

*Directors and Clerks to Qualify—Clerk's Bond—Oath.*

3. The directors and clerk elected at the first meeting shall qualify immediately, by taking an oath to support the laws and Constitution of the United States and of the State of Oregon, and to faithfully discharge the duties of their offices to the best of their ability; and the clerk shall give a bond to the directors for such sum as they may require as additional pledge for the faithful performance of his duties. The chairman of the meeting, or any one he may choose, shall administer the oath of office to the directors and the clerk-elect.

*Power of Directors and Clerk.*

4. The directors and the clerk elected and qualified, as aforesaid, shall have the same power and shall perform the same duties hereinafter required to be performed by directors and clerk elected at annual meetings of regularly organized districts.



*Election of Directors.*

5. At the first regular election of such district after its organization there shall be elected, by ballot, three directors, for one, two, and three years, respectively, and the ballot shall specify the term for which each is to be elected. In case of a tie, the matter shall be decided by lot. [L. O. L. § 4025.]

The corporate existence of a school district created and organized under color of law, and in the exercise of its corporate powers, cannot be at-

tacked except in a direct proceeding instituted by the State for that purpose. (School Dist. v. School Dist. 34 Or. 99, 55 Pac. 98.)

*§ 176. Are Bodies Corporate.*

All school districts now existing, or that shall be organized in pursuance of this act, shall be to all intents and purposes bodies corporate, competent to transact all business coming under their jurisdiction, and sue and be sued. When suit is commenced against a district, notice must be served on one of the directors. [L. O. L. § 4026.]

*§ 177. Consolidation of School Districts—Call for Election.*

Whenever two or more contiguous school districts in this State shall desire to consolidate, for the purpose of forming one district, a petition from each such district shall be presented to the district boundary board of the county in which the largest district shall be situated, setting forth specifically the districts it is proposed to consolidate. Such petition, if from a district of the first class, must contain the signatures of at least one hundred legal school voters; if from a district of the second class, at least fifty legal school voters, and if from a district of the third class, must contain at least five legal voters, and shall request the district boundary board to submit, at the next annual meeting thereafter, to the legal voters of the several districts, the question of the consolidation of such districts. Upon receiving such petition, the district boundary board shall within ten days so notify the district school board of each of the districts designated by the petition. Each district school board receiving such notice shall cause its district clerk to publish, as a part of the notice for the next succeeding annual meeting, that a vote will be taken at such annual meeting upon the question of consolidation of the districts designated in the notice from the district boundary board, which districts shall be specifically designated in the notice for the meeting. [L. O. L. § 4027.]

*§ 178. Conduct of Election.*

The vote upon the question of consolidation shall be by ballot, and the ballots shall have written or printed upon them,



“For consolidation—Yes;” “For consolidation—No;” and the chairman of the meeting shall appoint two tellers, who shall receive and count the ballots; *provided*, that in districts of the first class the judges shall be appointed in the manner now prescribed by law. The district clerk, or a person authorized by the board to act as such, shall keep a poll list, and record thereon the name of each person voting upon such question at such meeting before such vote is received by the tellers. After all legally qualified school electors present have voted, if they so desire, the chairman shall declare the vote closed, and the tellers or judges shall proceed to count the vote in the presence of the chairman. [L. O. L. § 4028.]

§ 179. *Return and Canvass of Vote.*

The district clerk shall keep a tally sheet of the votes as counted by the tellers, which tally sheet shall be certified to as correct by the clerk and signed by the chairman and tellers. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the name of the county in which it is situate, and the date on which said election is held. Such sealed package, together with a statement of the result of said election, signed by the chairman and the district clerk, shall be forwarded by the district clerk, within five days after said election, to the district boundary board, directed to the county school superintendent, as a member thereof. The district boundary board shall, within ten days after the receipt of the sealed returns from such election, open the same and proceed to canvass the vote. [L. O. L. § 4029.]

§ 180. *Declaring Result—Effect.*

If the board shall determine from the returns that a majority of all votes cast in each of the said districts is in favor of consolidation, it shall immediately notify the district school board of each district concerned of the result of such election. Within ten days from the date of such notice, the district boundary board shall consolidate all said districts into one district, the limits and boundaries of which shall conform to and be the same as the limits and boundaries of the territory included in all of the districts thus consolidated. If the district boundary board shall determine that less than a majority of all the votes cast in any one of the said districts is in favor of consolidation, then said board shall notify each of the district school boards concerned that the proposition to consolidate is defeated. After such district boundary board shall have canvassed the vote on the proposition to consolidate, the county school superintendent shall preserve in his office the ballots,

tally sheets, and poll lists in their original envelope for a period of one year. [L. O. L. § 4030.]

§ 181. *Location of School Site.*

If, after consolidation, such consolidated district is a district of the first class, the location of school site shall be located as now provided by law. If, after consolidation, the district is a district of the second or third class, the school site for one year after consolidation shall be located by the district school board of the newly consolidated district, and, in case such school board shall be unable to agree, the question shall be submitted to the district boundary board for settlement, and the decision of the district boundary board shall be final. [L. O. L. § 4031.]

§ 182. *Title to Property.*

All the property, real and otherwise, belonging to the districts within the corporate limits of said consolidated district shall become the property of said consolidated district, and be subject thereafter to the control of the district school board of said consolidated district, chosen in accordance with this act. [L. O. L. § 4032.]

§ 183. *Classification of Consolidated Districts.*

All districts formed under the provisions of this act shall be classed as districts of the first, second, or third class, according to the provisions now in force for the classification of school districts. [L. O. L. § 4033.]

§ 184. *Board in Consolidated Districts of First Class.*

If such consolidated district, at the time of consolidation, shall contain enough children of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year, to be chosen as follows: The directors of the most populous district, of which said newly consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board of such newly consolidated district until the first annual meeting after the consolidation, when there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting after such election; *provided*, that if the said most populous district was a district of the first class at the time of consolidation, there shall be elected at the first annual meeting

after consolidation but one director, and said director is to hold office for five years. [L. O. L. § 4034.]

§ 185. *Board in Other Consolidated Districts.*

If said consolidated district, at the time of consolidation, shall not contain enough persons of school age, as shown by the last school census, to be classed as a district of the first class, the district school board of said consolidated district shall consist of three members, chosen as follows: The directors of the most populous district of which said consolidated district was formed, as shown by the number of children of school age, according to the last school census, shall be the district school board of said consolidated district until the first annual meeting after consolidation, when there shall be elected one director, to hold office for three years. [L. O. L. § 4035.]

§ 186. *Further of Officers in Consolidated Districts.*

After the election of members of the board of directors, under this act, but one director shall be elected each year, and all vacancies in the board shall be filled as provided by law. When consolidation of two or more districts has been effected, according to the provisions of this act, the terms of the school officers of said districts shall expire on the date of consolidation, except those of the most populous district of said districts. [L. O. L. § 4036.]

§ 187. *Consolidated Districts Subject to Same Rules as Others Except as to Apportionment of Funds.*

All districts formed under the provisions of this act shall be bodies corporate, and shall have all the powers and duties and shall be subject to the same restrictions as now provided by law for the class of districts to which said districts may respectively belong, in consequence of the number of children of school age within such consolidated district, except that for the five years immediately following the consolidation, the county school superintendent shall, at the time he apportions fifty (50) dollars to each district, as now required by law, apportion to all consolidated districts formed under the provisions of this act, as many times \$50 as there were districts consolidated. [L. O. L. § 4037.]

§ 188. *Officers of District—Number—Classification.*

1. The officers of a district of the first class shall consist of five directors and a clerk, and of all districts of the second and third class shall consist of three directors and a clerk, and in all cases shall be elected by ballot.

*Term Begins, When.*

2. The term of office of all district school officers shall begin on the day of election, and they must qualify before assuming the duties of their office, and within thirty days after their election, by taking the usual oath of office, and shall serve until their successors are elected and qualified.

*District School Officer—Eligibility.*

3. No person shall be eligible to a district office who shall not be at the time of his election a legal voter\* for a school officer in such district. [L. O. L. § 4038.]

\*For qualification of voters, see section 167.

§ 189. *District Must Hold Six Months of School Each Year—Not Entitled to Fund, When.*

Districts shall not be entitled to their proportion of the county school fund at the disposal of the county superintendent, unless they shall report to him within fifteen days after the annual school meeting, and shall have had a school taught in their districts at least six months in each school year; *provided*, that a new district shall not be required to have a school taught, as aforesaid, for the space of one year from the date of its organization.

The provisions of this section shall first apply to the school year beginning June 20, 1909, and ending June 17, 1910. [L. O. L. § 4039.]

A county school superintendent cannot be compelled by mandamus to make an apportionment of the school fund among the several school dis-

tricts of a county until such districts, or at least some of them, have made report as required by law. (State v. Bryan, 26 Or. 502, 38 Pac. 618.)

§ 190. *Percentage of Tax Applied to Salaries.*

In all districts at least eighty-five per cent of the amount received from the county school tax and the irreducible school fund shall be applied on the teachers' salaries, and no part of said eighty-five per cent shall be applied for fuel, expense of lawsuits, chalk, brooms, blackboards, erasers, stoves, or other apparatus necessary for the use of schools, nor for repairs or furnishing schoolhouses, nor in paying interest or principal on bonds issued by the district; *provided*, that should any district fail to apply at least eighty-five per cent, received from the county school tax and the irreducible school fund, on teachers' salaries, the unexpended balance shall revert to the general county school fund of the county, and the clerk of said school district shall report the amount of said unexpended balance in his first annual report thereafter to the county superintendent, who shall place the said unexpended balance to the credit of the county school fund

and charge the same to said district as a part of the first succeeding year's apportionment thereafter. [L. O. L. § 4040.]

§ 191. *Illegal Contracts With Teachers—Certificate Revoked.*

No district shall enter into a contract with any teacher whereby said teacher shall return to said district, either directly or indirectly, any part of the five-mill county school tax, or the irreducible school fund apportioned to said district; and should any board and teacher enter into such contract, said contract shall not be deemed legal, but void in whole, and the teacher's certificate shall, if it be a county certificate, be revoked by the county school superintendent, and, if it be a State certificate or diploma, be revoked by the State Board of Education, when the fact shall be duly ascertained, after a trial conducted as hereinbefore provided for revocation of teacher's certificate. [L. O. L. § 4041.]

§ 192. *Levy and Collection of School Tax—Amount.*

For the purpose of creating a county school fund, the county courts of the several counties of this State are hereby required to levy at the same time other taxes are levied, a tax for school purposes upon all the taxable property of the county, which aggregate an amount which shall produce at least eight dollars per capita for each and all of the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which said taxes shall be collected at the same time, in the same manner, and by the same officers as other taxes are collected; *provided*, that the per capita amount so levied in any county shall not be less than the per capita amount of the school tax levied in the county for the year 1910. [L. O. L. § 4042; L. 1911, c. 84, p. 125, § 1.]

§ 193. *Levy to be Made by County Court on Failure of District.*

In case a district does not levy a special tax of at least five mills on the dollar for maintenance for the ensuing year, or that will produce an amount sufficient to give the district for such maintenance the difference between three hundred dollars and the amount received from the county school fund, as provided for in Section 192, or fails to report the same to the county clerk and county school superintendent, as required in Section 195, it shall be the duty of the county court of the county in which said district is located to levy, at the same time it levies other taxes, a tax on all the taxable property of said district that will produce an amount sufficient to give to the district for maintenance for the ensuing year the difference between three hundred dollars and the amount

received, or to be received, by said district for the ensuing year, from the county school fund as provided for in Section 192; *provided*, that such levy by the county court shall not exceed five mills on the dollar. [L. O. L. § 4043.]

§ 194. *County to Make Apportionment up to \$300.*

In case the amount apportioned to any school district from the county school fund, provided for in Section 192, and the special district school tax provided for in Section 193, do not amount in the aggregate to the sum of three hundred dollars, the county court of the county in which such district is located shall, on the first Monday in October of each year, transfer from the general fund of the county to the special school tax fund of such district such an amount as may be necessary to make said sum of three hundred dollars. The county court shall include in its annual tax levy for county purposes a sufficient amount to meet the requirements of this section. [L. O. L. § 4044.]

§ 195. *School Clerks to Make Tax Report to County Clerk and School Superintendent.*

It is hereby made the duty of all school clerks to report to their respective county clerks, and also to their respective county superintendents, on or before December 10, of each year, the amount of tax levied by their respective districts for maintenance; and also the amount of tax levy made by their districts for other purposes; and it is hereby made the duty of the county clerk to enter such levies on their tax rolls. [L. O. L. § 4045.]

§ 196. *School Superintendents to Make Estimates.*

The county superintendent shall, on the third Monday in December of each year, make the estimates to meet the requirements of Section 193, and report the same to the county court; and, he shall also on the third Monday in December of each year, make the estimates to meet the requirements of Section 194, and report the same to the county court. [L. O. L. § 4046.]

§ 197. *Levy in Case of Joint District.*

In the case of a joint district, the amount of tax to be levied as required by Section 193, and the amount to be transferred as required by Section 194, shall be in such ratio to the whole amount to be levied or transferred for such district as the assessed valuation of such district lying within the county bears to the assessed valuation of the whole district. [L. O. L. § 4047.]

§ 198. *All Taxing Public Corporations to Levy on Property Shown by Roll—Clerk to Furnish Certificates of Taxable Property.*

All the taxes hereinafter levied by any incorporated city or town, school district, road district, port, or other municipal taxing agency, or district, shall be levied on the property therein respectively assessable upon the valuation of such property as shown by the assessment roll last compiled by the assessor, corrected, and equalized by the county board of equalization, and including entries therein of assessments as certified by the State Board of Tax Commissioners and apportioned to such municipalities by the county clerk. And it shall be the duty of the county clerk in each of the several counties, upon the application of the clerk or board of school directors of any school district, and of any road supervisor, or of any three resident freeholders of any road district, or the recorder, auditor, or clerk, or common council, board of directors, or trustees or other governing body of any incorporated city or town, port, or other municipal taxing district or agency, to furnish a certificate, under the seal of the county court, showing the aggregate valuation of the assessable property in the school district, road district, incorporated city or town, port, or other taxing district or agency, from which such application shall have been made. [L. O. L. § 3670.]

§ 199. *Notify County Clerk.*

It shall be the duty of every school district and each incorporated town and city, and of each public corporation authorized to levy a tax, to notify, in writing, the county clerk of the county within which the school district, town, city or public corporation is situated of the rate per cent of the tax levy made by it on or before the first day of January in each year, which notice shall be kept on file by the several county clerks, and remain a part of the records of the office. [L. O. L. § 3664.]

§ 200. *Levy Terminate With Even Mills.*

All counties, cities, school districts, and other corporations which are vested with the power of levying taxes, shall make their total levy terminate with even mill or mills, or in fractions of one-tenth of one mill. [L. O. L. § 3665.]

§ 201. *Irreducible School Fund.*

The irreducible school fund of this State shall be composed of the proceeds of the sales of the sixteenth and thirty-sixth sections of every township of this State, or of any lands selected in lieu thereof; all the moneys and clear proceeds



of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemptions from military duty; the proceeds of all gifts, devices and bequests made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purpose of such grant shall not be stated; all proceeds of the sale of tide and overflow lands, and all the proceeds of the sale of the five hundred thousand acres of land to which this State is entitled by an act of Congress approved September 4, 1841, and all lands selected for Capitol building purposes under act of Congress approved February 14, 1859; and all the proceeds as aforesaid shall be set apart as a separate and irreducible fund, to be called the "irreducible school fund," the interest of which shall be exclusively applied to the support and maintenance of common schools in each school district in this State; *provided, however*, that all lawful claims for repayment of moneys out of escheated estates and for attorney's fees and all other expenses in any suit or proceedings relating to escheated estates shall be audited by the State Land Board and paid from said fund principal. [L. O. L. § 3913.]

§ 202. *Investment of Irreducible School Fund.*

All moneys belonging to the irreducible school fund, university fund, or agricultural college fund, shall be loaned by the State Land Board at six per cent per annum, interest payable semi-annually on the first day of January and the first day of July of each year; *provided, however*, that if at any time there be a surplus of either of these funds over and above all loans applied for, the State Land Board may, in its discretion, invest such portion of said surplus, as in their judgment they may deem proper, in bonds issued by school districts in the State of Oregon, the legality of such bonds to be approved by the Attorney General. [L. O. L. § 3914.]

§ 203. *Interest on Fund to be Divided Among Counties.*

The State Land Board shall on the first day of August of each year, and oftener if deemed advisable, divide the interest on hand arising from the irreducible school fund among the several counties of this State in proportion to the number of children resident therein between the ages of four and twenty. The amount apportioned to each county shall be placed in the custody of the county treasurer, who shall report the same to the county superintendent of common schools for distribution among the several school districts of his county. [L. O. L. § 3925.]



§ 204. *Annual Exhibit of Funds.*

The county treasurer of each county shall make annual exhibits of all school funds coming into and paid out of the treasury. He shall also retain and produce all the superintendent's orders by him paid off, on the yearly settlement with the county superintendent. [L. O. L. § 4048.]

§ 205. *Existing Indebtedness Valid and May Be Funded.*

All indebtedness now outstanding, whether evidenced by bonds, orders, warrants, or otherwise, of any school district in this State, be and the same is hereby declared legal and valid, and said districts are hereby authorized to fund said indebtedness by the issuance of negotiable bonds, in the manner now provided by law. [L. O. L. § 4049.]

§ 206. *School Month—Legal Holidays.*

The common school month shall hereafter consist of twenty (20) days and no school shall be open in any district for the purpose of ordinary instruction on any Saturday, or on any legal holiday, or in any county during the time of holding the annual county institute therein. The following days shall be, and are hereby declared, legal holidays in this State, viz.: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving, or holiday; *provided*, that when holidays occur during a session of school, teachers shall be allowed full pay for such holiday. [L. O. L. § 4050.]

The day upon which the direct primary election is held throughout the State is a legal holiday. (Report of Attorney General, 1907, p. 237.)

Teachers in public schools are entitled to full pay for holidays occur-

ring during the time of their employment, whether their salary is expressed at so much per month or so much per day. (Report of Attorney General, 1909, p. 42.)

§ 207. *Columbus Day.*

The 12th day of October of each year shall be and the same is hereby set apart and declared to be a public holiday under the name and title of "Columbus Day." [L. 1911, c. 10, p. 29.]

## CHAPTER IX.

## DISTRICTS OF THE FIRST CLASS.

§ 208. *Districts Consolidated.*

Whenever the school population of any city or incorporated town shall exceed one thousand, as shown by the school census made by the clerk of the largest and most populous district in such city or town, the district boundary committee shall consolidate all districts and parts of districts within such city or town into one school district of the first class, and the limits and boundaries of such school district shall conform to and be the same as the limits and boundaries of such incorporated city or town; *provided*, that in all cases when any part of any school district shall be included in any such incorporated city or town, and a part thereof shall not be so included at the time this act shall take effect, such parts of such school districts as lie without the boundaries of said city or town shall continue to be a part of such school districts until such time as the boundary board shall otherwise provide. [L. O. L. § 4091.]

§ 209. *Change in City Limits, Effect of.*

When the limits or boundaries of any incorporated city or town containing a district of the first class are changed according to law, then the boundaries and limits of the school districts therein shall be deemed to have been changed also, so as to conform to the new limits and boundaries of such incorporated city or town. [L. O. L. § 4092.]

A change in the school districts to conform to the boundaries of a city authorizes the proper authorities to readjust and make division of the assets

and funds the same as when districts are formed or changed by petition. (School Dist. v. Lambert, 28 Or. 217. 42 Pac. 221.)

§ 210. *Board of Directors, When Districts Consolidated.*

The directors of the largest and most populous district within said corporate limits shall, with such others as are elected in pursuance of this act, be the board of such new district organization, and all the property, real and otherwise, belonging to districts or parts of districts within said corporate limits shall become the property of such new district, and be subject thereafter to the control of the board of directors of such largest and most populous district; but the new board may provide, for a period not exceeding three years from the date of such consolidation, for the free tuition of all pupils living within the boundaries of such parts of such consolidated districts which are beyond the said limits, unless such parts are sooner erected into new districts or are attached to other districts. [L. O. L. § 4093.]

§ 211. *Election of Directors—Allotment of Terms.*

At the first regular election in any district created as provided in Section 208, there shall be elected three directors to hold office, one for three years, one for four years, and one for five years, the term of each to be determined by lot at the first regular meeting of the board after such election. [L. O. L. § 4094.]

§ 212. *Places of Election—Judges and Clerks.*

It shall be the duty of the school directors of the oldest organized district affected by this act to designate the polling places and name the judges and clerks to serve at the first election under this act, and the board of such oldest directors shall also canvass and declare the results of such election. [L. O. L. § 4095.]

§ 213. *Notice of Elections—Allotment of Terms.*

Whenever the school population of any district shall reach one thousand or more, as shown by the annual census of the school clerk of the district, the board of directors of such district shall give notice that at the next election three directors are to be elected, who shall serve three, four, and five years respectively, the term of each to be determined by lot at the first regular meeting of the board after such election; and from and after such election such district shall be of the first class, and shall have a board composed of five directors, and otherwise be subject to the special laws and provisions of districts of the first class. [L. O. L. § 4096.]

§ 214. *One Director Elected Each Year.*

After the first election of members of the board of directors under this act, but one shall be elected each year and all vacancies in the board shall be filled as provided by law. [L. O. L. § 4097.]

§ 215. *Number of Directors—Districts of First Class.*

In all organized districts of the first class the board of directors shall consist of five members, each of whom shall hold office for a term of five years, one member retiring each year as hereinafter provided. [L. O. L. § 4098.]

§ 216. *Time of Election.*

The election for members of the board of directors in all organized districts of the first class shall be held each year, at the time and in the manner provided by law for districts of the first class. [L. O. L. § 4099.]

§ 217. *Existing Districts Continued.*

All districts formed under the provisions of an act entitled "An Act to organize school districts in incorporated towns of ten thousand inhabitants, and to provide for the maintenance and government of public schools therein," are hereby continued as districts of the first class, and shall be considered as already organized as such, and the present officers of such districts shall continue in office during the terms for which they were respectively elected, and no new directors shall be elected, except as provided for in Section 214. [L. O. L. § 4100.]

§ 218. *Clerks—Authority of Board Concerning.*

School clerks in districts of the first class shall be deemed officers of the board of directors, which board shall have authority to elect them, prescribe their duties, fix their compensation, and determine the manner of its payment, and to fix the amount of their bonds. [L. O. L. § 4101.]

§ 219. *Duties of the Board in Districts of the First Class.*

The duties of the district school board in districts of the first class shall be:

1. To employ a city superintendent of schools for the district, and to fix his term of office and compensation;

2. To employ teachers, janitors, carpenters, etc., and to fix their compensation;

3. To prescribe courses of study and make rules and regulations for the government of said district;

4. When in their judgment more systematic grading of their school requires it, to choose text-books in addition to those already authorized by the State; *provided*, that such choice shall be made at the same time as that now prescribed by law for the choice of text-books for the State; and the result of their choice shall be regularly reported to the State Board of Education, to be by them filed as in the case of other authorized text-book selections;

5. To create a board of examiners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which such district may be located shall be *ex officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided, further*, that the holder of a valid certificate may be employed without further examination, at the option of the board;

6. To lease and build school houses, to buy and lease lands for school purposes, and to furnish their school houses with proper furniture, libraries, light, fuel, apparatus, etc., and to sell and convey such lands and other property belonging to the district as may not, in their judgment, be required for school purposes;

See note to Section 232, *post*.

7. To provide for polling places in each ward in such city for all school elections, to appoint judges and clerks, and to canvass all votes and poll books, and determine the result thereof;

8. To make an annual printed report to the taxpayers of said district;

9. To determine who are non-resident pupils and to fix the rates of tuition for such non-resident pupil;

10. The district school board of any school district of the first class may, upon the petition of not less than one hundred qualified electors of such school district, provide that in one or more of the common schools, to be kept in such district, any one modern language may be taught as a branch study, and a teacher employed in such school shall be educated in such language and qualified to teach the same;

11. To provide and maintain a continuation evening school, and to fix the hours during which such school shall be in session and to fix the length of term for said school; *provided*, that the length of term shall be not less than one-third that of the day session in such city; to employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if in their judgment there is sufficient demand to justify such provisions; to fix, within the limits above mentioned, a course of study required for graduation from the evening high school to admit any person, not receiving instruction in the day session for the public schools, without restrictions as to age or citizenship; *provided*, that no person shall be received who is not a resident of said district, except as provided in tuition clause of this act. [L. O. L. § 4102; L. 1911, c. 211, p. 336, § 1.]

#### § 220. *Regular Meetings of Board.*

The board of directors of such district must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto, and it may be convened upon written or printed notices issued by the school clerk by order of the chairman, or upon the united request of three members of the board. [L. O. L. § 4103.]

§ 221. *Quorum.*

A majority of the board of directors shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the presence of absent members. [L. O. L. § 4104.]

§ 222. *Rules of Proceeding.*

The board of directors of such district may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and on the call of any one of its members, must cause the yeas and nays to be taken and entered upon its journal upon any question before it. [L. O. L. § 4105.]

§ 223. *Regular Meeting After Election.*

On or before the tenth day next following any regular or special election for school officers, there must be a regular meeting of the board, at which time the newly elected officer or officers shall enter on their duties. [L. O. L. § 4106.]

§ 224. *Qualification of Voters.*

Any person, male or female, who is a qualified voter\* at school elections shall be eligible to the office of school director in such districts. [L. O. L. § 4107.]

§ 225. *Director Only Officer to Be Elected.*

At such general elections in such districts, the only officer voted for shall be director. [L. O. L. § 4108.]

§ 226. *Authority to Create Debt.*

The board of directors of such district are authorized to contract an indebtedness for the district for school purposes, but such indebtedness shall at no time exceed in the aggregate more than \$100,000; *provided*, that in cities of less than seventy-five thousand inhabitants, they shall not contract any indebtedness exceeding five per centum of the value of the taxable property of the district. [L. O. L. § 4109.]

§ 227. *Interest on Warrants.*

No warrants drawn on the school fund in such district shall draw interest before or after presentation to the school clerk. [L. O. L. § 4110.]

§ 228. *Bids for Supplies.*

In all such districts, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings, or improvements or repairs to the same, will equal or

\*A "qualified voter" is defined in Section 167.

exceed the sum of \$500, it shall be the duty of said board to give due notice by publication in at least one daily newspaper published within said corporate limits, of their intention to receive bids for such lot of furniture, stationery, etc., and they shall determine the specifications for such bids and appoint the time and place for opening of all bids, which shall be public; and it shall be unlawful for any member of the school board to bid or to be an interested party in any bid before such board. [L. O. L. § 4111.]

§ 229. *Course of Study.*

The course of study shall be under the entire control of the board of directors. [L. O. L. § 4112.]

§ 230. *Taxes, Assessment and Levy.*

The mode and manner and the times for assessing and collecting the taxes in such districts shall be the same as now provided by law. [L. O. L. § 4113.]

§ 231. *Reports of Clerks.*

It is hereby made the duty of all clerks of districts of the first class, whose districts lie partly within and partly without any incorporated city or town, to make to the county school superintendent of the county containing such incorporated city or town a segregated report at the time now provided by law, showing the number of persons of school age in their respective districts living within, and also the number of persons of school age living without such incorporated city or town. [L. O. L. § 4114.]

§ 232. *What Provisions in Act Apply in Districts of First Class.*

All provisions of this act concerning the duties and powers of the school directors and school clerks in districts other than of the first class, which do not conflict with the express provisions of this chapter, shall be considered to apply to the officers of districts of the first class. [L. O. L. § 4115.]

The board of directors of a school district of the first class has authority to build a school house whenever funds are available for that purpose and such school building is necessary, but the said board of directors have no authority to incur an indebtedness for that purpose without it first being authorized by the legal voters of the district. The board of directors of a district of

the first class may create an indebtedness and issue negotiable interest-bearing warrants or notes for temporary purposes, but for the purpose of permanent improvements, the question should be submitted to the electors of the district as to whether the indebtedness should be incurred. (Report of Attorney General, 1911, p. 34.)

## CHAPTER X.

§ 233. *Women Eligible to Educational Offices.*

Women over the age of twenty-one years, who are citizens of the United States and of this State, shall be eligible to all educational offices within the State. [L. O. L. § 4116.]

This act, Section 233, is held unconstitutional as applied to the office of county superintendent of common schools. (State ex rel. v. Stevens, 29 Or. 464, 44 Pac. 898.)

## CHAPTER XI.

## \*COMPULSORY EDUCATION.

§ 234. *Children Between Ages of Nine and Fifteen.*

Every parent, guardian, or other person in the State of Oregon having control or charge of any child, or children, between and including the ages of nine and fifteen years of age, shall be required to send such child, or children, to the public schools for a term or period of not less or more than the number of months of public school held annually in the district in which such parent, guardian or other person in parental relation may reside; *provided*, that in the following cases, children shall not be required to attend public schools:

(a) Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school, such branches as are usually taught in the first eight years in the public schools, or has, or have already acquired the ordinary branches of learning taught in such schools, the fact of which acquisition of such ordinary branches of learning by such child, or children, shall be determined by the school board in charge of the public school in such district;

(b) Any child, or children, who is, or are, physically unable to attend school. In such cases the truant officer shall require a written statement of a competent physician certifying that such child, or children, is, or are, physically unable to attend school;

(c) Children between the ages of nine and ten years of age whose parents live more than one and one-half miles, and children over ten years of age whose parents live more than

\*Sections 4338-4345, of Lord's Oregon Laws, provide for compulsory attendance of pupils eligible to school maintained by the United States.

For child labor law, see Laws 1911, c. 138, p. 185.

This section amends by implication section 4 of the child labor law found in Laws 1911, chapter 138, p. 186; the act amending the compulsory educational law being filed later than the act amending the child labor law.



three miles, by the nearest traveled road, from some public school; *provided*, that if transportation is furnished pupils in said district this exemption shall not apply.

(d) Any child, or children, who is, or are, being taught for a like period of time by the parent, or private teacher such subjects as are usually taught in the first eight years in the public school, but before such child, or children, can be taught by a parent or private teacher, such parent or private teacher must receive written permission from the county superintendent, who is hereby authorized to grant such permission only in case of necessity and such permission shall not extend longer than the end of the current school year. Such child, or children, must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If after such examination the county superintendent shall determine that such child, or children, is or are not being properly taught then the county superintendent shall order the parent, guardian or other person in parental relation to send such child, or children, to school the remainder of the school year. Failure on the part of the parent, guardian or other person in parental relation to comply with the order of the county superintendent shall render such person liable to the penalty provided for in this Act. [L. O. L. § 4119, L. 1911, c. 243, p. 428, § 1.]

§ 235. *Penalty.*

In case any parent or other person in parental relation shall fail to comply with the provisions of this act he shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be liable to a fine of not less than \$5 nor more than \$25, or by imprisonment in the county or city jail not less than two nor more than ten days, or by both such fine and imprisonment, in the discretion of the court. [L. O. L. § 4120.]

§ 236. *District Boundary Board to Appoint Truant Officer.*

(a) It shall be the duty of the district boundary board of each county to appoint one person to act as truant officer for the districts of the second and third class for said county, said truant officer to be under the control and direction of the district boundary board. The truant officer so appointed in counties of less than one hundred thousand inhabitants shall also act as probation officer for the juvenile court of said county and shall see that the child labor law is enforced in said county. The truant officer shall receive as compensation for his services the sum of three dollars (\$3.00) per day for actual services and necessary traveling expenses. Such compensation shall be allowed and paid in the same manner as the salaries of county officers are paid.

(b) It shall be the duty of the district school boards in districts of the first class to appoint truant officers as hereinafter provided. In districts of the first class it shall be the duty of the police authorities, at the request of the district school board of any such district, to detail one or more members of such police force to perform the duties of truant officer, but this provision shall not be construed as prohibiting such board of education from appointing any citizen, not a police officer, a truant officer. When the district school board of such district appoints a truant officer other than a police officer, said board shall fix the compensation for such truant officer and pay such officer from the public school fund of the district. The compensation for police officers shall be allowed and paid in the same manner as other incidental expenses are allowed and paid for by the city; *provided*, that no truant officer shall receive pay for services as truant officer until he shall have filed with the auditing officer or board, as may be directed, an itemized statement of time actually employed in such service; and if the service rendered was in a district of the first class the itemized statement must be approved by the city superintendent of schools of said district.

(c) The district boundary board shall upon written application from the school board in any district of the second class grant such district permission to proceed according to paragraph (b) of this section. [L. O. L. § 4121, L. 1911, c. 243, p. 429, § 2.]

§ 237. *County Superintendent to Furnish List of Teachers.*

It shall be the duty of the county superintendent of schools to furnish each truant officer of his county, at the opening of the schools, with a list of teachers and principals employed in his district in districts of the second and third class. [L. O. L. § 4122.]

§ 238. *Truant Officer to Notify Parent.*

In case any parent or other person in parental relation shall fail to immediately send the child, or children, under his or her control, to the public school, as provided for in Section 234, the truant officer, upon having notification from the proper authority of such fact, shall immediately and within twenty-four hours thereafter give formal written notice in person or by registered mail, to the parent or other person in parental relation, that the child, or children, under his or her control, shall present himself or themselves at the public school on the next school day following the receipt of such notice, with the necessary text-books for instruction in the public school or schools of the district. Said notice shall inform the parent or other person in parental relation that

attendance must begin and that such attendance at school must be consecutive during the remainder of the school year as taught in the district. The truant officer shall, at the same time the said formal notice is given to the parent or other person in parental relation, notify the principal or teacher if it be in a district of the third class, or city superintendent or principal if it be in a district of the first or second class, of the fact of notice, and it shall be the duty of such teacher, superintendent, or principal to notify the truant officer of the failure on the part of the parent or other person in parental relation to comply with said notice. [L. O. L. § 4123, L. 1911, c. 243, p. 430, § 3.]

§ 239. *Truant Officer Shall File Complaint.*

It shall be the duty of the truant officer, after having given the formal notice hereinbefore described, to determine whether the parent or other person in parental relation, so notified, has complied with such notice, and in case he shall find that such parent or other person in parental relation has failed to comply, it shall be the duty of such officer to immediately and within three days after having knowledge of such failure, or after being notified thereof, to make a complaint against said parent or other person in parental relation having the legal charge and control of such child or children before a justice of the peace whose office is situated nearest the place where such parent or person in parental relation resides, and within the county of such residence, for such refusal or neglect to send such child or children to school. Said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any parent or other person in parental relation for violation of this act, said parent or other person in parental relation shall be punished according to the provisions of Section 235. [L. O. L. § 4124.]

§ 240. *Truant Officer Shall Investigate Truancy Cases.*

It shall be the duty of the truant officer in districts of the first class whenever notified by the teacher, superintendent, or other person of the violation of this act, and of the truant officer in the districts of the second and third classes when notified by the county school superintendent, to investigate all truancy or non-attendance at school, and if the child or children are not exempt from the provisions of this act under the conditions named in Section 234, then he shall immediately proceed as provided in Sections 239 and 240. [L. O. L. § 4125.]

§ 241. *School Officers—Violations of This Act—Penalty.*

It shall be the duty of all school officers, superintendents, teachers and other persons upon whom a duty is placed by this act, to render such assistance and furnish such information as they may have at their command to aid such truant officers in the performance of their official duties. And should any board, officer, principal, school clerk, teacher or person upon whom a duty is placed by this act neglect to perform any duty or duties that are so imposed upon him, any taxpayer or person having parental relation to any child or children in the district may make a complaint against such board, officer, principal, teacher or person before a justice of the peace and said justice of the peace shall issue a warrant upon said complaint and shall proceed to hear and determine the same in the same manner as is provided by the statutes for other cases under his jurisdiction, and in case of conviction of any such board, officer, principal, teacher or other person for a violation of this act said officer, principal, teacher or other person shall be fined not less than \$5 nor more than \$20 for each offense. [L. O. L. § 4126.]

§ 242. *District Clerk to Provide Teachers With Census.*

In all school districts of the second and third classes it shall be the duty of the district school clerk to provide the teacher or principal at the commencement of school, in his district, with a copy of the last school census, together with the names and addresses of all parents and persons in parental relation, also the name and address of the county school superintendent. The teacher or principal shall, at the beginning of the school term and every four weeks thereafter, compare said census list with the enrollment of the school or schools under his or her charge and shall report to the secretary of the district boundary board the names and postoffice addresses of parents or other persons in parental relation whose child or children of the ages hereinbefore mentioned is or are not in regular attendance at school, and also the name or names of such child or children, and it shall be the duty of the district boundary board to forthwith notify the proper truant officer of such non-attendance or irregularity of such children. [L. O. L. § 4127.]

§ 243. *Districts of First Class—Clerk Shall Provide Superintendent With Census.*

In all districts of the first class the clerk of the district school board shall, at the commencement of school, furnish a copy of the last school census to the city superintendent or the principal of the schools in such districts, together with the names and addresses of the truant officers whose jurisdic-

tion is in the district, and it shall be the duty of the city superintendent or principal at the opening of school and every four weeks thereafter, to compare said census list with the enrollment of the school, or schools, and to report to the proper truant officer the names and addresses of any parent or persons in parental relation whose child or children of ages hereinbefore mentioned, are not in regular attendance at the public schools, and also the name or names of such children; *provided*, that, should a school census be taken in a school district of any class while a school is in session in such district, it shall be the duty of the clerk of such district to provide, within ten days after the completion of said census, the principal or superintendent with such school census in accordance with the provisions of Sections 242 and 243. [L. O. L. § 4128.]

§ 244. *To Estimate Attendance.*

In estimating regular attendance, as required in Sections 242 and 243, the principal or teacher must [count] all absences, unless such absences were excused; *provided*, that no excuse shall be accepted by any principal or teacher unless such absence was caused by the pupil's sickness or by the sickness of some member of the pupil's family, rendering it impossible for such pupil to attend school during said time. Eight unexcused one-half day absences in any four weeks the school may be in session in such district shall be called irregular attendance. [L. O. L. § 4129.]

§ 245. *Deaf and Blind—How Law Applies.*

The provisions of this act shall apply to the children entitled under existing statutes to attend school at the institution for the deaf and dumb, or the institute for the blind, so far as the same is properly enforceable. Truant officers shall at the beginning of each school month report to the county judge of their respective counties the names, ages, and residence of such children between the ages of eight and eighteen years, with the names and postoffice addresses of their parents, guardians, or the persons in charge of them; also a statement whether the parents, guardian, or person in charge of such child is able to educate and is educating the child or whether the interests of the child will be promoted by sending it to one of the State institutions mentioned. Upon information thus or otherwise obtained, the county judge may fix a time when he will hear the case, whether any such child, or children, required to be sent for instruction to one of the State institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer, or some other suitable person, to bring the child before such judge at his office at

the time fixed for the hearing and shall also issue an order on the parent, guardian, or person in charge of the child to appear before him at such hearing, a copy of which order in writing shall be served personally on the proper person by the truant officer, or other person ordered to bring the child before the judge. If on the hearing, the county judge is satisfied that the child is not being properly educated at home and will be benefited by attending one of the State institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing and the transporting of the child to the State institution shall be paid by the county in the manner provided where a child is committed to a State reform school, if the parent or guardian is financially unable to defray the said cost; *provided*, nothing in this section shall be construed and require the trustees of either of the State institutions mentioned to receive any child not suitable to be received and instructed therein under the laws, rules and regulations governing such institutions. [L. O. L. § 4130.]

§ 246. *Joint Districts.*

In the administration of all sections of this chapter, except Section 245, the territory embraced in joint districts shall be deemed to lie in the county in which the school house of such district may be located. [L. O. L. § 4131.]

§ 247. *Disposition of Fines.*

All fines collected under the provisions of this act shall be paid to the county treasurer and by him placed to the credit of the school district wherein such parent or parents, guardian or other person having such charge may reside. [L. O. L. § 4132.]

§ 248. *Malicious Prosecution.*

If upon the trial of any offense as charged herein, it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant and collected as fines in other cases. [L. O. L. § 4133.]

§ 249. *Superintendent of Public Instruction to Provide Blanks.*

It shall be the duty of the Superintendent of Public Instruction to furnish all blanks necessary for the execution of the provisions of this act. [L. O. L. § 4134.]

## CHAPTER XII.

## SCHOOL LIBRARIES—OREGON LIBRARY COMMISSION.

§ 250. *How Constituted.*

The Governor shall appoint one person, who with the Governor, Superintendent of Public Instruction, president of the State University, and librarian of the Library Association of Portland shall constitute the Oregon Library Commission. The member appointed by the Governor shall be appointed for a term of five years from the first day of June, 1905, and all subsequent appointments shall be for the term of five years, except appointments to fill vacancies, which shall be made by the Governor for the unexpired term. [L. O. L. § 4360.]

§ 251. *Duties.*

The commission shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing, and other details of library management. It may also purchase and operate traveling libraries, and circulate such traveling libraries within the State among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions free of cost, except for transportation, under such conditions and rules as shall protect the interest of the State and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct a summer school of library instruction and a clearing house for periodicals for free gift to local libraries. [L. O. L. § 4361.]

Sections 4362, 4363, 4364, and 4365, refer to expenses, etc., of the commission, and do not have any special

bearing on school matters. They are therefore omitted from this compilation.

§ 252. *Library Fund.*

The county court of the several counties of this State which have a population of less than 100,000 inhabitants are hereby required to levy, at the same time they levy other taxes, a tax upon all taxable property in their counties for school library purposes, which shall aggregate an amount which shall be not less than ten cents per capita for each and all the children within the county between the ages of four and twenty years, as shown by the then preceding school census, which shall be collected at the same time, and by the same officers, as other taxes are collected, and such aggregate sum, when so levied and collected, shall be known as the general school library



fund of the county, and such fund shall be set aside and used for no other than school library purposes, in the manner hereinafter provided for. [L. O. L. § 4153.]

§ 253. *County Treasurer to Certify to School Superintendent.*

It is hereby made the duty of the county treasurer to certify to the county school superintendent, on the first Monday of July of each year, the total amount in the general school library fund in his hands subject to apportionment by the county school superintendent. [L. O. L. § 4154.]

§ 254. *County Superintendent to Make Apportionment.*

The county superintendent shall, upon the first Monday of July of each year, make an apportionment of the entire general school library fund, provided for in this act, then in the county treasury, in the following manner: Of the general school library fund collected in pursuance of the general school library levy of the county court he shall apportion to each district in his county that has reported to him according to law, in proportion to the number of persons in each district over four and under twenty years of age, as shown by the last school census. When such apportionment has been made he shall immediately notify the districts of their respective shares and shall also notify the Oregon Library Commission of the amount of money apportioned to each district, and the number of school children in each district. [L. O. L. § 4155.]

§ 255. *Purchase of Books.*

Between the first Monday of July and the first Monday of August in each year, the directors of each district and the county superintendent shall select from the lists prepared and furnished by the Oregon Library Commission and according to the rules of such commission as in Section 256 provided, such books as are desired for their district, the aggregate mailing price of which shall not exceed the amount apportioned to such district from the general school library fund for the current year, and immediately upon making such selection the county superintendent shall mail a copy of the list so selected to the Oregon Library Commission; *provided*, that if the commission is not notified of such selection by the tenth day of August of each year, the commission shall make the selection for such district. As soon as the commission has obtained lists of books for all school districts selected in the manner above provided, it shall order such books from the dealer or dealers who have agreed to furnish them at the lowest price. At the time of ordering the books the commission shall notify the county superintendent of each county of the amount of money such books as have been ordered for the



districts in his county will cost, including expense of transportation to each district, and upon receipt of such notice each county superintendent shall draw a warrant in favor of the Oregon Library Commission for such amount and transmit the same to the commission, who shall thereupon settle with the dealer or dealers for the books purchased. Upon the delivery of the books so ordered, the commission shall cause them to be distributed to the respective school districts according to the lists furnished by such districts. [L. O. L. § 4156.]

§ 256. *List of Suitable Books—Preparation of.*

It is hereby made the duty of the Oregon Library Commission to prepare annually lists of books suitable for use in school libraries and to make rules regulating selections from such lists. Such lists shall state the retail and mailing price of each book, and said price shall be the lowest obtainable by the commission by receiving bids from more than one responsible dealer. It shall be the duty of the commission to furnish the county superintendent copies of such lists and rules, from time to time as issued, for distribution to school officers. [L. O. L. § 4157.]

§ 247. *Record of Books to Be Kept.*

It shall be the duty of each county superintendent to keep a complete record of the books purchased and distributed by him, together with the purchase price of said books. [L. O. L. § 4158.]

§ 258. *Librarian.*

The county superintendent shall appoint a librarian who shall receive and have the care and custody of the books, and shall loan them to the teachers, pupils and other residents of the district, in accordance with the rules and regulations prescribed by the Oregon Library Commission for the control and management of school libraries. Each librarian shall keep a complete record of the books furnished by the board of directors. During the periods that the school is in session, the library shall be placed in the school house, and the teachers shall be responsible to the district for its proper care and protection. The district board shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the district. [L. O. L. § 4159.]

§ 259. *Rules and Regulations.*

It is hereby made the duty of the Oregon Library Commission to formulate and prescribe rules and regulations not inconsistent with the provisions of this act for the control and management of all school libraries that may be purchased in accordance with this act. [L. O. L. § 4160.]

## TITLE II.

## HIGH SCHOOLS.

## CHAPTER I.

## DISTRICT AND COUNTY HIGH SCHOOLS.

§ 260. *Two Kinds Organized.*

For the purpose of securing greater uniformity and efficiency in the teaching of higher branches in the public schools of this State, it is hereby provided that high schools of two kinds may be organized and maintained; to be known as district high schools and county high schools. [L. O. L. § 4161.]

§ 261. *Submission of Question to Voters.*

When one-third of the legal voters of any school district in this State shall petition the district school board, requesting that a high school be established in such district at a place named in the petition, or whenever the district school board shall, at their discretion, think proper, they shall give twenty days' notice previous to the annual school meeting or previous to a special election called for that purpose, that they will submit the question to the legal voters of said district, whether such high school shall be established and at the place specified, at which election the electors of the district shall vote by ballot for or against establishing such high school. All notices contemplated in this section shall be given as are all legal notices of special school meetings. After said election the said ballots on said question shall be canvassed by the district school board, and if a majority of all the votes cast shall be in favor of establishing a high school, it shall be the duty of said board to establish such high school, provide for its maintenance, and select suitable teachers for its various grades. [L. O. L. § 4162.]

§ 262. *District School Board to Control.*

The district high school, being a part of the public school of the district, shall be under the control and management of the district school board, in the same way and to the same extent as it is provided by law that the lower grades of the district school shall be. The district school board shall have the power to use any part of the county or State school funds, or any funds raised by taxation of the district, for the necessary expenses of the high school; *provided*, that none of the funds of any district shall be used for the purpose of main-

taining a high school, unless said district shall also maintain at least eight months' instruction each year in the lower grades of the school system of this State. [L. O. L. § 4163.]

§ 263. *Free to What Pupils.*

All district high schools shall be free to all pupils of school age in such district who pass, or may have passed successfully the eighth grade uniform final examinations. [L. O. L. § 4164.]

Under the provisions of the union high school act of 1907, a district maintaining a high school is not required to admit a non-resident pupil into such high school upon the receipt only of the amount apportioned from the State and county fund for each pupil to the district where such pupil is enumerated. Such provision applies only to union high schools, and not to district high schools. (Report of Attorney General, 1909, p. 191.)

A school board cannot charge tuition to high school pupils who reside in the high school district, for the reason that they did not take the course of study just exactly as prescribed by the authorities. It is not within the power of the board to fix fees or different regulations, even though a pupil did not take the four years' course prescribed. A high school is free to all pupils residing in the district. (Report of Attorney General, 1911, p. 84.)

§ 264. *County High School.*

There may be established in any county in this State one or more county high schools; *provided*, that at any general or special election held in said county, after the passage of this act, a majority of all the votes cast at such election upon the proposition to establish a county high school shall be in favor of establishing and maintaining such county high school or schools at the expense of said county. [L. O. L. § 4165.]

§ 265. *When Question Must Be Submitted to Vote.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by one hundred or more qualified electors, taxpayers of said county, must submit the question of establishing and maintaining a county high school to the qualified electors thereof. The county court, if they deem it expedient, may order a special election for such purpose. Such election shall be conducted in the manner provided by law for conducting elections. The ballots for such election shall contain the words, "For County High School—Yes;" "For County High School—No;" and the voter shall indicate his choice as provided in the Australian ballot law. [L. O. L. § 4166.]

§ 266. *County Court Must Establish.*

If the majority of all votes cast on the proposition to establish a county high school are in the affirmative, it shall be the duty of the county court, within thirty days after canvassing said vote, to locate said school in some suitable and convenient place in said county. The county court shall also estimate the cost of purchasing a suitable lot, erecting

a building and furnishing the same for the accommodation of such school, with the cost of conducting such school for the next twelve months; *provided*, that the county court, or the high school board, as herein constituted, may rent suitable rooms for the accommodation of the school. If rooms can be obtained in the public school buildings in the place in which said school shall be located, they shall be given the preference; *provided further*, that said board may contract with the board of directors of any district in the county that now maintains, or may hereafter maintain, a school of high school grade to teach all county high school pupils at such a rate per capita, or in the aggregate, as they may deem right and just, and shall pay for the same out of the high school fund. [L. O. L. § 4167.]

§ 267. *Special Tax to Be Levied.*

When such estimate shall have been made, the county court shall thereupon proceed to levy a special tax upon all the assessable property of the county sufficient to raise the amount estimated as necessary for purchasing a lot, procuring plans and specifications, erecting a building and furnishing the same, fencing and ornamenting the grounds, and the cost of running the said school for the next twelve months; or, if in their judgment not expedient to buy or build, they shall levy for a sum sufficient to cover the cost of conducting the county high school in connection with some contracting public school, as hereinbefore provided. Said tax shall be computed, entered upon the tax roll and collected, in the same manner as other taxes are computed, entered, and collected, and the amount so collected shall be known and designated as the "county high school fund," and shall be deposited in the county treasury, and shall be drawn therefrom as hereinafter provided. [L. O. L. § 4168.]

§ 268. *Conveyance to County High School Board.*

When the county court shall have properly provided and completed the building, together with the necessary fencing of the lot so provided, they shall cause the same to be deeded to the county high school board, as hereinafter provided, who shall hold the same in trust for the county. [L. O. L. § 4169.]

§ 269. *Board, How Constituted.*

Whenever it has been decided by any county at any election to maintain a county high school, a county high school board shall be organized, consisting of the county judge and the two county commissioners, the county treasurer, and the county school superintendent, who shall act in their official capacity

as such board, the county judge to be *ex officio* chairman, and the county school superintendent *ex officio* secretary. The members of the board shall serve without compensation. [L. O. L. § 4170.]

§ 270. *Duty of Board.*

It shall be the duty of the county high school board to furnish annually to the county court an estimate of the amount of money needed to pay the running expenses of said school; to employ suitable teachers, janitors, and other employees, and discharge such teachers and employees when deemed advisable by them; and to do any and all other things necessary to the proper conduct of the school. [L. O. L. § 4171.]

§ 271. *County High School Fund.*

It shall be the duty of the county court to include in their annual tax levy an amount sufficient to maintain the county high school, and such amount, when collected, shall be paid into the county treasury, and shall be known as the "county high school fund," which fund shall be in the charge and custody of the treasurer of the county, and may be drawn therefrom in the following manner for the purpose of defraying expenses of conducting the said county high school: The high school board shall draw their order on the county court, which order shall be signed by the president and secretary of such board, whereupon the county court shall issue a warrant against the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [L. O. L. § 4172.]

§ 272. *Board May Establish More Than One School.*

In case the qualified electors of any county deem it expedient to establish and maintain more than one county high school, then such additional school or schools may be established and maintained in the manner prescribed in this act for establishing and maintaining a county high school. [L. O. L. § 4173.]

§ 273. *Principal of High School May Be Principal of District School.*

Nothing in this act shall be construed so as to prevent the principal of the high school from acting as principal of the public school of any district in which a high school is located, if so desired by the directors of such district. [L. O. L. § 4174.]

§ 274. *Course of Study.*

The course of study for high schools in this State shall embrace a period of four years above the eighth grade of the

public schools of this State, and shall contain two years of required work, which shall be uniform in all high schools of the State. Such course of study for the two years of required work shall be laid down by the Superintendent of Public Instruction, after due consultation with all county and district high school boards in the State. The course of study for the two years of optional work in all high schools shall be laid down by the county high school board in the county or the district school board in case of district high schools, after due consultation with the State Superintendent of Public Instruction; *provided*, that in any high school of this State it may be provided by the directors thereof that all or part of the two years of optional work in the high school course shall be devoted to industrial training. In high schools where industrial training is made part of the course, the required studies, and industrial training may be interspersed throughout the four years' high school work, as may be deemed best by the board of directors of such school. [L. O. L. § 4175.]

§ 275. *High School Diplomas.*

Upon the completion of the four years' course in any high school in this State, and upon passing successfully the required examination, any pupil shall be granted a diploma or certificate, to be known as a State high school diploma; *provided*, that this section shall not be so construed as to prevent any high school from issuing a certificate or diploma to its graduates who have attended such school less than four years; but on all such certificates or diplomas shall be plainly written the number of years of high school work required for graduation by the school issuing the same. [L. O. L. § 4176.]

§ 276. *Text-Books.*

All the text-books used in the two years' required work in high schools in this State shall be selected by the State Text-Book Commission. [L. O. L. 4177.]

§ 277. *County High Schools to Be Free.*

All county high schools in this State shall be free to all pupils of school age in such county who pass or may have passed successfully the eighth grade uniform final examinations. [L. O. L. § 4179.]

## CHAPTER II.

## UNION HIGH SCHOOLS.

§278. *Name of Act.*

This act shall be known as the Union High School Law. [L. O. L. § 4192.]

§ 279. *Meaning of "Regular School District."*

When used in this act the term regular school district means all districts heretofore organized, or those hereafter organized by the district boundary board; and union high school districts those formed in accordance with the provisions of this act; and legal voters those who can legally vote for school officers in their respective districts. [L. O. L. § 4193.]

§ 280. *Two or More Districts—How United.*

Whenever it is desired to unite two or more contiguous school districts or parts of districts in this State for high school purposes only, a petition from each district shall be presented to the district boundary board setting forth specifically the districts or parts of districts it is proposed to consolidate, and also the site for the location of the union high school building. If the petition is from a district of the first-class it shall contain the names of not less than one hundred legal voters; if from a district of the second-class, not less than twenty-five legal voters; if from a district of the third-class, not less than one-third of the legal voters; if a part of a district is included in the petition, the petition shall be signed by at least one-third of the legal voters residing in such part of the district. Said petition shall request the district boundary board to direct the school boards of each district designated in the petitions to state in the notice for the next annual school meeting or election, or at a special meeting or election, called for that purpose, the time of such meeting or election to be designated in said petitions that the question of uniting said school districts for high school purposes only, thus forming a union high school district, will be submitted. Within ten days after receiving such petitions, the district boundary board shall direct, in writing the respective school boards of the districts to be so united, to give the notices as requested in the petitions. For all purposes provided for in Sections 280, 281 and 284 of Lord's Laws of Oregon, the district boundary board shall annex the part of the district it is intended to unite to the proposed union high school district to the nearest adjoining district, and the nearest adjoining school district and the part of the school district so annexed shall be considered as a



school district. The vote on the question is to be by ballot, and the ballot shall have written or printed thereon the words:

“For Union High School—Yes.”

“For Union High School—No.”

If the vote is taken in regular school meeting the clerk shall prepare a poll list and tally sheet. The chairman of the meeting shall appoint two tellers, who shall receive the votes as the clerk calls the names of the voters from the poll list. When all have voted the tellers shall count the votes, and the school clerk shall keep the tally. If the vote is taken in polling places previously designated by the school board, the judges of the election shall accept the votes, and the clerk of election shall record the names of the voters. If the tally sheet is kept by the school clerk he and the tellers shall certify over their signatures that it correctly indicates the votes cast. If the tally sheet is kept by a clerk of election, the clerk and the judges shall certify to the school board the result of the vote on this question, together with other questions that may be on the ballot. The tally sheet, poll list, and ballots shall be placed in a sealed package by the district clerk, who shall endorse thereon the number of the district and the date of election. Such sealed package, together with a statement of the result of the election signed by the school clerk and chairman of the school board, shall be forwarded within five days to the district boundary board, addressed to the county school superintendent as a member thereof. Within ten days after receipts of the sealed returns from the district the district boundary board shall open the sealed packages and canvass the votes. If the board shall determine that a majority of all votes cast on the high school subject voting on such subject is in favor of uniting such district for high school purposes, it shall immediately notify the respective school boards concerned of the result and shall declare the territory comprising such districts to be a union high school district Nos. 1, 2, 3, etc., in order of their formation. If the district boundary board shall determine that less than a majority of all votes cast is not in favor of uniting said district for high school purposes, then said board shall immediately notify the respective school boards concerned that the proposition is defeated. The ballots, tally sheets and poll list shall be kept on file in the office of the county school superintendent for a period of one year. [L. O. L. § 4194, L. 1911, c. 53, p. 78, § 1.]

§ 281. *Transfer of Title.*

If the site for the location for the union high school as set forth in section 280, is a site belonging to a regular school



district, and it is proposed to transfer the title of said site from the regular school district to the union high school district, on organization, then a special meeting or election shall be called to be held at least forty days before the date upon which the vote for organizing the union high school district shall be taken. Such meeting or election must be convened by a written call specifying the date of such meeting, signed by the chairman of the board and the district clerk, or a majority of the district school board; and the directors shall cause the clerk to post such written notices in three public places in such district at least ten days before the date appointed for said meeting. The notice for said meeting must specify definitely the property to be transferred and the purpose and terms of said transfer. The vote on the question is to be by ballot and the ballot is to have written or printed thereon the words:

“For the transfer of.....property—Yes.”

“For the transfer of .....property—No.”

The vote in all respects at such meeting or election shall be taken in such district as if it were for the election of a school officer of such district, and if it shall be determined that a majority of votes cast on the subject of the transfer of the property in such district voting on such subject is in favor of transferring such property, then it shall be the duty of the board of such regular district to transfer such property to the union high school district, on the terms set out in the notice, in case the union high school district is formed. When said transfer is made, the union high school district assumes and is thereafter responsible for all unpaid debts and liabilities that may have been contracted by the regular school districts for said property, and thenceforth said property shall be under the control in all respects of the said union high school district. [L. O. L. § 4195.]

#### § 282. *Board May Contract for Use of Property.*

The union high school board may for high school purposes contract with a regular school board for the use of any property belonging to the regular school district for such time and according to such conditions as may be mutually agreed upon between such boards. [L. O. L. § 4196.]

#### § 283. *When Districts Lie in Two or More Counties.*

If districts to be united for high school purposes are in two or more counties, the district boundary board of the county in which the most populous district is located shall have jurisdiction in all matters pertaining to the organization and management of such districts. When so organized,

a description of the boundaries shall be sent to the other county superintendent or superintendents concerned, for record. [L. O. L. § 4197.]

§ 284. *Union High School Board—How Constituted.*

(a) If a union high school is formed by uniting two districts of the third class, the school board of each of such districts shall be *ex officio* members of the union high school board.

(b) If formed by any other combination of districts, the chairman of each school board shall be a member of the union high school board until the next annual school meeting, then there shall be elected from each district one member of the union high school board. The member of the board from the district which has the lowest numerical number shall serve three years. The member from the district which has second lowest numerical number shall serve two years. The member from the district which has third lowest numerical number shall serve for one year. The member from the district which has fourth lowest numerical number shall serve for three years. The member from the district which has fifth lowest numerical number shall serve four years. The member from the district which has sixth lowest numerical number shall serve one year and in like manner the length of term of all directors shall be determined.

At the end of a term of a member from the district, his successor shall be chosen from among the legal voters in the district in the same manner as now provided for by law for the election of school district officers. He shall serve three years, or until his successor is elected and qualified. In case of a vacancy the clerk of the union high school district board shall notify the district school board of such fact and the district board shall call a special meeting to elect his successor who shall serve the remainder of the unexpired term.

(c) The election for members of the union high school board, as provided for in paragraph (b), shall be held at the time and in the manner provided by law for the election of school officers of such districts. [L. O. L. § 4198; L. 1911, c. 53, p. 80, § 2.]

§ 285. *Organization of Board.*

(a) The union high school board of any union high school district organized under this act, shall admit to the union high school under its control, whenever the facilities of the school will warrant, a resident of any school district of any county concerned in such union high school district, who is properly prepared to enter such school and whose school district does not of itself or in connection with other school dis-

tricts provide the high school privileges afforded by such union high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(b) The school board of any regular district having a high school shall admit to the high school under its control, whenever the facilities of the school will warrant, a resident of any other school district prepared to enter such school, of any district in the county and whose school district does not provide the high school privileges offered by such high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(c) Whenever such non-resident pupil shall be admitted to such union high school, the union high school district shall be entitled and is hereby authorized to determine who are non-resident pupils and to fix the rates of tuition of such non-resident pupils. [L. O. L. § 4199; L. 1911, c. 53, p. 80, § 3.]

#### § 286. *Meetings of Board.*

The union high school board shall hold regular monthly meetings at the high school building at such time as may be provided in the rules and regulations adopted by them for their own government. A meeting of the union high school board may be called at any time, by two members of the board serving a written notice on the other members and the clerk, at least forty-eight hours before such meeting is to be held, such notice to be left at the residence or usual place of business of such other members and clerk, or may be called by the common consent of the members of such board; *provided*, that the action of such board shall not be deemed lawful unless every member shall have been duly notified; *provided, further*, that the union high school board may, at its discretion, appoint an executive committee representing at least two regular districts, one of whom shall be the chairman of the board, to attend to the routine business of the board, their action to be reported to the board for ratification at its first regular meeting. [L. O. L. § 4200.]

#### § 287. *Board Shall Admit Residents of Any School District.*

(a) The union high school board of any union high school district organized under this act, shall admit to the union high school under its control whenever the facilities of the school will warrant, a resident of any school district of any county concerned in such union high school district, who is properly prepared to enter such school and whose school district does not of itself or in connection with other school

districts provide the high school privileges afforded by such union high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(b) The school board of any regular district having a high school shall admit to the high school under its control, whenever the facilities of the school will warrant, a resident of any other school district prepared to enter such school, of any district in the county and whose school district does not provide the high school privileges offered by such high school. Persons thus admitted shall be entitled to the same privileges and be subject to the same rules and regulations as pupils who are residents of regular high school districts.

(c) Whenever such non-resident pupil shall be admitted to such union high school, the union high school district shall be entitled and is hereby authorized to charge a tuition fee for such pupil, which said fee shall not exceed the amount apportioned on account of said pupil from the common and irreducible school funds during the preceding school year to the regular school district in which the parent or guardian of said pupil resided at the time of his or her admission to such union high school. On or before the first day of June in each year, the clerk of the union high school board shall make a sworn statement to the clerk of the regular district from which such non-resident pupil may have been admitted to such union high school. Said statement shall give the residence, name, age, date of entrance to such school, and the number of weeks of attendance during the preceding school year of such person so admitted from such regular district. Said statement shall also show the amount of tuition which, under the provisions of this act, such high school district is entitled to receive for each person so reported as having been a member of such high school from such regular district, and the aggregate sum for tuition for all persons so admitted to such union high school from such regular district, and said statement shall be filed as a claim against such regular district and allowed as other claims are allowed. Should such claim not be allowed, the county superintendent shall, at the time he makes his next regular apportionment, after satisfactory proof of such failure, deduct the amount of said claim from the amount due such district by said apportionment. When the county superintendent has made the deduction provided for in this section he shall draw a warrant on the county treasurer in favor of such union high school district for the amount deducted, and the treasurer shall pay said warrant out of the common fund of such dis-

trict. The county superintendent's jurisdiction, as herein provided for, shall, in case the district be a joint district, be exercised by the county superintendent of the county in which the school house of such district may be located. The county superintendent's action in the matter shall be final. [L. O. L. § 4201.]

§ 288. *This Act Not to Prevent the Forming of County High School.*

(a) Nothing in this section shall be construed as to prevent all school districts in any county from uniting to form one or more county high schools; *provided*, that when any school district, or union high school district, shall maintain a high school which in all respects shall be equivalent in efficiency to the county high school, which efficiency shall be determined by the district boundary board, such territory shall be exempt from a tax to support a county high school; *and provided, further*, that when any regular school district, or union high school district shall establish a high school prior to the submission of the proposition to establish a county high school, the electors of such school district, or union high school district, shall be excluded from voting upon said proposition.

(b) Nothing in this section shall be construed as to prevent a regular district maintaining a high school, or a union high school, from uniting with other districts for the purpose of organizing a high school in accordance with the legislative enactments governing the formation of county high schools. [L. O. L. § 4202.]

§ 289. *Course of Study.*

The course of study for union high school shall be prepared by the State Board of Education, and said course of study shall embrace a course of study of not less than two years. [L. O. L. § 4203; L. 1911, c. 53, p. 81, § 4.]

§ 290. *Industrial Training.*

Any union high school board may, at its discretion, establish and maintain a department of industrial training in connection with the school under its management. The expense of maintaining such department shall be provided for in the same manner as other expenses of maintaining union high schools, and such department shall be under the management, direction and control of such board. The State Board of Education shall, so far as their other duties may warrant, give such information and assistance as may seem necessary in organizing and maintaining such department and in arranging plans and outlines of work. [L. O. L. § 4204.]

§ 291. *Creation of Regular District Not to Affect Boundary of Union High School District.*

The creation of a regular district out of the territory included in a union high school district, or the changing of the boundaries of any regular districts included in a union high school district shall not dissolve, nor otherwise change the boundaries of a union high school district. A regular school district may be united to a union high school district in the manner provided for the organization of a union high school district in section 280 hereof; *provided*, that the union high school district shall be considered one district for such purpose. [L. O. L. § 4205.]

§ 292. *Duties of Union High School Board.*

The duties of a union high school board shall be:

1. When legally authorized, to secure land and cause to be erected thereon a suitable building.

2. They shall prepare, annually, an estimate of the amount of funds necessary to carry out the purposes for which the union high school district was established, and shall levy a tax upon all the assessable property in said union high school district, and the clerk of said union high school district shall report to the county clerk of his county, or counties, the rate of levy. Said tax shall be computed, entered upon the tax roll, collected, in the same manner as other special taxes, and paid to the clerk of said union high school district in the same manner as other taxes are paid. When a tax is levied, the union high school board may contract a debt in the name of the district, borrowing money or by issuing warrants of the district not to exceed the amount of the levy.

3. When authorized by a majority vote of the legal voters present at any legally called meeting, in a union high school district, the board of such district may, in the name and behalf of their district, contract a debt by borrowing money, or otherwise, not to exceed five per centum of the value of the taxable property of the district, for the purpose of building a school building or repair of school buildings, or for the purchase of land for school purposes, and issue negotiable and interest-bearing warrants (and fix the payment for the same) of their district evidencing such debt; and they may, from time to time, not oftener than once a year, levy a tax upon the taxable property of such union high school district, to pay the interest thereon, on principal when due, which taxes shall be collected in the same manner as other school taxes are now collected by law; *provided further*, that such directors shall

call a bond election, when petitioned to do so, in accordance with the provisions of the bonding act for bonding regular school districts. [L. O. L. § 4206; L. 1911, c. 53, p. 81, § 5.]

§ 293. *Clerks Shall Make Reports to County Superintendents.*

The clerks of union high school districts shall make such reports to the county school superintendent as may be required by the State Board of Education, which reports shall be included in the reports from the county superintendent to the Superintendent of Public Instruction. [L. O. L. § 4207.]

§ 294. *Principal May Act as Principal of Grammar School.*

Nothing in this act shall be construed so as to prevent the principal of the union high school from acting as principal of the grammar school of the regular school district in which the high school is located, if so desired by the board of said regular school district. [L. O. L. § 4208.]

§ 295. *Laws Governing Districts.*

All laws governing regular school districts and officers shall apply to union high school districts and officers so far as applicable. [L. O. L. § 4210.]

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### CHAPTER III.

#### GRADES ABOVE THE EIGHTH.

§ 296. *Grades Above the Eighth Grade May Be Taught, When.*

When one-third of the legal voters of a district shall petition the district board, requesting that grades above the eighth grade may be taught in such district, or whenever the district board shall at its discretion think proper, it shall give twenty days' notice previous to the annual school meeting, or previous special election called for that purpose, that it will submit the question to the legal voters of said district whether grades above the eighth grade shall be taught in such district, at which election the electors of the district shall vote by ballot for or against establishing such grades. All notices contemplated in this section shall be given as are all legal notices of special school meetings. After said election the ballots of said question shall be canvassed by the district board, and if a majority of all the votes cast shall be in favor of establishing such grades, it shall be the duty of the district board to establish such grades and determine what branches shall be



taught therein, and the course of study used by classes thus formed in districts of the second and third classes shall be that prescribed by the State Board of Education. [L. O. L. § 4052, subd. 26.]

The people of a district can by majority vote suspend the ninth grade, after it has been authorized to include it, but cannot use any of the district

funds to hire their children taught in an adjoining district for paying their transportation. (Report of Attorney General, 1911, p. 70.)

## CHAPTER IV.

### COUNTY HIGH SCHOOL FUND.

#### § 297. *County Court to Submit Question.*

The county court, at any general election to be held in any county after the passage of this act, upon the presentation of a petition signed by ten per cent or more qualified school electors of said county, must submit the question of creating a county high school fund to the qualified electors thereof. Such election shall be conducted in the manner provided by law for conducting elections. The county clerk shall give thirty days' notice that the question will be submitted to the legal voters of the county. The ballots for such election shall contain the words, "For county high school fund—yes"; "For county high school fund—no"; and the voter shall indicate his choice as provided in the Australian ballot law. [L. O. L. § 4180.]

#### § 298. *Board, How Constituted.*

Whenever it has been decided by any county, at any election, to create a county high school fund, in accordance with section 297, such fund shall be under the control of a county high school board, consisting of the county judge and the two commissioners, the county treasurer, and the county school superintendent, who shall act in their official capacity as such board, the county judge to be *ex officio* chairman, and the county school superintendent *ex officio* secretary. The members of the board shall serve without compensation. [L. O. L. § 4181.]

#### § 299. *Board to Contract With Districts.*

It shall be the duty of the county high school board, within thirty days after returns have been canvassed by the regular canvassing board in said county, if a county high school fund has been provided for in accordance with section 298, to contract with all districts that maintain a high school, in accordance with the requirements of section 303, to teach all



high school pupils of said county that may attend a high school in the district. [L. O. L. § 4182.]

§ 300. *Board Must Furnish Estimates of Funds.*

The county high school board shall also make an estimate of the amount of money needed to pay the tuition of all high school pupils for the next twelve months, and submit such estimate to the county court, whose duty it shall be thereupon to levy a special tax upon all the assessable property of the county sufficient to raise the money estimated, as necessary for paying said tuition. Said tax shall be computed, entered upon the tax roll, and collected in the same manner as other taxes, and designated as the "County High School Fund," and shall be deposited in the county treasury. [L. O. L. § 4183.]

§ 301. *Tuition, How Paid.*

For the purpose of paying tuition of said high school pupils, the county high school board shall draw an order on the county treasurer, which shall be signed by the president and secretary of such board, whereupon the county treasurer shall pay such warrant and charge the same to the county high school fund; *provided*, that the total amount of such warrants shall not exceed the amount of money actually in the hands of the treasurer to the credit of the county high school fund. [L. O. L. § 4184.]

§ 302. *Distribution of Fund.*

The basis of the distribution of the county high school fund shall be upon the average daily attendance during the school year. The total amount of money paid to any district during the school year shall not be less than \$40 per pupil for the first 20 of such average daily attendance, and \$30 for the second 20; nor more than \$12.50 per pupil for all the remaining pupils. But the total paid any district shall not exceed the amount paid by the district to the teachers employed therein. [L. O. L. § 4185.]

§ 303. *State Board of Education to Prescribe Regulations.*

It shall be the duty of the State Board of Education to prescribe rules and regulations specifying the standard that must be maintained by all high schools relative to number of months taught, number of teachers employed, number of recitation periods daily, and course of study, before any high school shall be entitled to receive tuition for any high school pupil from the county high school fund. [L. O. L. § 4186.]

§ 304. *District Must Comply With State Rules.*

No high school shall be entitled to receive tuition for any pupil from the county high school fund, nor shall any warrant on said fund be drawn in favor of any district until the county superintendent has certified to the county high school board that the district has complied with the rules and regulations provided for in section 303. [L. O. L. § 4187.]

§ 305. *Entrance Requirements.*

No high school shall be entitled to receive tuition for any high school pupil from the county high school fund, unless such pupil holds an eighth grade diploma from some county in this State, or its equivalent from some other state; *provided*, that this section shall not apply to any pupil now enrolled in any high school. All questions at issue arising under the provisions of this section shall be determined by the county school superintendent whose decision in the matter shall be final. [L. O. L. § 4188.]

There is no authority of law for using high school funds to pay tuition of pupils who have not successfully

passed the eighth grade uniform final examinations. (Report of Attorney General, 1911, p. 42.)

§ 306. *Pupil Must Complete Course in Residence District.*

No tuition shall be paid for a high school pupil to any district, except to the district in which his parent or guardian shall actually reside, during the time of said pupil's attendance in such district; *provided*, that tuition may be paid for a high school pupil to a district other than his residence district if the high school is not in session in the residence district of such pupil; or if such pupil has completed the course of study offered in his residence district; or if he has obtained the consent of the county high school board to attend school in a district other than his residence district. [L. O. L. § 4189.]

§ 307. *Retroactive.*

All the provisions of this act shall also apply to any county that has heretofore, in substantially the same manner as provided for in this act, established a county high school fund and provided for the distribution of the same. [L. O. L. § 4191.]

## TITLE III.

## TEXT-BOOK.

## CHAPTER I.

## STATE TEXT-BOOK COMMISSIONERS.

§ 308. *Commissioners—How Appointed.*

In the month of January, in the year 1901, and the month of January every four years thereafter, the Governor shall appoint, from different sections of the State, a state board of five text-book commissioners, who shall hold their offices until their successors are elected and qualified. The Governor shall fill all vacancies in such board. [L. O. L. § 4211.]

§ 309. *Circular to Book Publishers.*

In the month of February, in the year 1901, and in the month of February every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular, and mail a copy of the same to all the leading school book publishers in the United States. Such circular shall contain the following:

1. The name and postoffice address of each member of the State Board of Text-Book Commissioners;
2. The time and place of meeting of the State Board of Text-Book Commissioners to adopt text-books;
3. The general form of bid to be followed by publishers in submitting text-books for adoption;
4. The general form of contract to be entered into between the State Board of Education in behalf of the State, and a publisher whose book or books may be adopted;
5. The branches of study included in the state course of studies, for schools of all grades;
6. The provisions of this act relating to the adoption of text-books;
7. Such additional facts and information as may be deemed expedient. [L. O. L. § 4212.]

§ 310. *Sessions of Board of Commissioners.*

The State Board of Text-Book Commissioners shall meet at the State Capitol on the first Monday in June, in the year 1907, and on the first Monday in June every six years thereafter, and continue in session for a period not to exceed fifteen days, exclusive of Sundays and other holidays, in a

room to be designated by the State Board of Education. Four members shall constitute a quorum. They shall immediately organize by electing a chairman from among their number, and a competent person as secretary. No person holding a state or county office shall be elected secretary. [L. O. L. § 4213.]

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## CHAPTER II.

### ADOPTION OF TEXT-BOOKS.

#### § 311. *How Adopted.*

When organized, as provided in this act, the State Board of Text-Book Commissioners shall adopt text-books for use in all the public schools of this State for six years. The sessions of the board shall be public, and the vote upon the selection of each text-book shall be *viva voce*, and the vote of each member shall be recorded in the minutes of the board. The adoption shall include text-books for all branches of study specified in the state course of studies for schools of all grades, and no others. At least three votes shall be necessary for choice of any text-book. [L. O. L. § 4214.]

#### § 312. *Publishers' Proposals.*

The proposals of each publisher shall be submitted to the board in writing, not later than the first day of the session of the board, and shall contain the full title of each text-book proposed to be furnished by him, the date of copyright, the price at which it can be exchanged up to the thirty-first day of December, inclusive, of the year of adoption for the corresponding text-books then in use in the common schools, the introductory price at which it will be sold to the patrons of the schools of this State up to the thirty-first day of December, inclusive, of the year of adoption; and the retail price thereafter during the period of adoption; and the proposal shall further contain an offer to furnish to the said patrons the text-books described, or any one of them, at prices, and no higher, than contained in the proposal, during the period of six years from their adoption, and to comply with the other requirements of this act. [L. O. L. § 4215.]

#### § 313. *Proposals Rejected—New Proposals.*

The said board may adopt or reject any text-book or all text-books contained in any proposal, or, if the price of any text-book in all the proposals shall be considered by the board unreasonably high, or the book not suitable, the board may reject such text-book, and thereafter, at the same or subsequent session, receive new proposals for such books and

adopt it in the same manner as above provided. No publisher shall have the right to have his proposal as to any text-book considered unless he shall have delivered to each member of the board one copy of such text-book, at least sixty days before the meeting of the board, free of cost. [L. O. L. § 4216.]

§ 314. *Report to State Board of Education.*

When text-books have been adopted in accordance with the provisions of this act, the State Board of Text-Book Commissioners shall immediately report such adoption to the State Board of Education. Such report shall contain the full title of each book adopted, as printed therein, the date of copyright, the exchange, the introductory, and the retail price thereof, and such other facts and information as may be deemed expedient. The report shall be signed, in triplicate, by each member of the board and attested by the secretary. One copy shall be delivered to the Governor, one to the Superintendent of Public Instruction, and one retained by the chairman of the board. [L. O. L. § 4217.]

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### CHAPTER III.

#### PUBLICATION AND USE.

§ 315. *Execution of Contracts and Requests.*

On receiving the report of the State Board of Text-Book Commissioners, the State Board of Education shall, as soon as practicable, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, which contract shall require the publisher to maintain at least one depository in each county in the State, to be designated by the State Board of Education, where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the Governor, one to the State Superintendent of Public Instruction, and one to the publisher named therein. Acting in behalf of the State, the State Board of Education shall take from each publisher entering into a contract as herein specified a good and sufficient bond in such sum, as stipulated damages, as the said board may determine, and payable to the State of Oregon for the benefit of the common school fund, with at least two sureties, to be approved by the State Board of Education, for the full and faithful performance of the same; and if any publisher shall neglect or fail to carry out the provisions of said contract on his part, or shall, with intent

to evade said provisions, sell any of said text-books in this State at higher prices than provided for in his contract, the State Board of Education shall have power, in its discretion, on behalf of the State to rescind the said contract, and to notify the publisher thereof, or to bring the appropriate action or suit to enforce the provisions of the publisher's bond. [L. O. L. § 4218.]

§ 316. *Circular as to Text-Books Adopted, to Be Issued.*

In the month of August, in the year 1901, and in the month of August every six years thereafter, the State Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the State Board of Text-Book Commissioners, as printed therein, the date of copyright, the exchange, the introductory and the retail price thereof, and such other facts and information as may be deemed expedient. Such circular shall be sent to each county superintendent, free of cost, in sufficient quantities to enable him to supply a copy without charge to each officer in his county. [L. O. L. § 4219.]

§ 317. *Failure of Publisher—Other or Additional Text-Books.*

If, at any time during the six years covering the adoption of text-books as herein provided, a publisher shall fail or be unable to furnish any adopted text-book, or his contract be rescinded, or, for any cause, it becomes necessary to adopt any text-book instead of or in addition to those required by the course of study in force at the time of the regular adoption, the chairman of the Board of Text-Book Commissioners, or the Governor, may call a special session of said board, and it shall thereupon convene and adopt such text-book in the same manner as in this act provided, and the State Superintendent shall in such case cause the proper circulars and notices to be sent to publishers. [L. O. L. § 4220.]

§ 318. *District Directors May Adopt Text-Books, When.*

In the month of July, in the year 1901, and in the month of July every six years thereafter, and at no other time, the board of directors in any district in which a high school is maintained shall adopt text-books required to complete any branch of study added by such board of directors to the branches of study specified for a state high school course. Such adoption shall be made *viva voce*, and a majority vote of the entire board shall be necessary to a choice of any text-book, and the vote thereon of each member shall be recorded in the minutes of the board. No text-book shall be adopted as herein provided that shall be used directly or indirectly, as a substitute

for any text-book adopted by the State Board of Text-Book Commissioners, or that shall, directly or indirectly, replace any such adopted text-book. [L. O. L. § 4221.]

§ 319. *School Directors' Contract With Publishers.*

When text-books have been adopted by a board of school directors, as herein provided, such board of school directors shall, not later than thirty days after the adoption, enter into a written contract, made in triplicate, with each publisher whose book or books shall have been adopted, to maintain at least one depository in such district where such book or books may be purchased; to furnish the same according to the provisions of this act, and the conditions named in the bid. One copy shall be delivered to the State Superintendent of Public Instruction, one to the clerk of such district, and one to the publisher named therein; and the provisions of this act concerning the adoption of text-books by the State Board of Text-Book Commissioners shall apply to the adoption of additional text-books by boards of directors, as far as the same may be applicable. [L. O. L. § 4222.]

§ 320. *Time Within Which Books Are to Be in Use.*

It is hereby made the duty of all boards of school directors to cause the text-books adopted, as provided in this act, to be introduced and used in their respective schools within fifteen months from the date of adoption. [L. O. L. § 4223.]

§ 321. *Violations of This Law by Teachers; Effect Of.*

The text-books that may be adopted under the provisions of this act, and none others, shall be used in the public schools of this State thereafter, and it shall be the duty of school officers and teachers to comply with the provisions of this act concerning the same. If any teacher shall willfully violate any of said provisions, he shall be deemed to have violated the terms of his contract with the district. Any taxpayer of a school district, or parent or guardian of a child attending a common school in any district, shall be deemed to have such a beneficial or direct interest in the enforcement of this law concerning text-books that he may bring any proper proceeding in a court of competent jurisdiction to compel the board of directors of his district, or teachers in his school, to perform the duties enjoined upon them by this act in relation to text-books. [L. O. L. § 4224.]

## CHAPTER IV.

## COMPENSATION OF COMMISSIONERS AND SECRETARY.

§ 322. *Allowance for Attendance, and Mileage.*

Each member of the State Board of Text-Book Commissioners, and the secretary elected by them, shall be paid \$100 for attendance at each meeting required in this act, and a further sum of ten cents for each mile traveled in going to and returning from such meeting on the most usual route. Any claim for compensation made under the provisions of this act shall be audited by the Secretary of State and paid out of any funds in the hands of the State Treasurer not otherwise appropriated. [L. O. L. § 4225.]



## TITLE IV.

## SPECIAL INSTITUTIONS.

## CHAPTER I.

## SCHOOL FOR DEAF MUTES.

§ 323. *Location and Object.*

There shall be established and permanently located at or near Salem, State of Oregon, a school, to be known as the "Oregon School for Deaf-Mutes," said school to be maintained for the instruction, discipline, employment, and general education of all deaf-mutes residing in the State of Oregon, and adjoining states and territories, as hereinafter provided. [L. O. L. § 4315.]

§ 324. *Board of Trustees, How Constituted.*

For the purpose of carrying into effect the provisions of this act, there shall be and is hereby created a board of trustees and building commissioners, consisting of the Governor, who shall be president of the board, the Secretary of State, and the State Superintendent of Public Instruction, who shall be secretary of the board, and which said board shall be known as "the board of trustees of the Oregon School for Deaf-Mutes." [L. O. L. § 4316.]

§ 325. *Powers of Board—Fruit and Vegetable Products, How Supplied.*

The said board of trustees shall have full power to purchase sufficient land for the use of said school, upon which said land the buildings and other improvements for the use of said school shall be located; *and it is provided, further,* that said land shall be cultivated and improved for the benefit of all state institutions located thereon, which cultivation and improvement shall be done, so far as practicable, by the inmates of such institutions under the direction and supervision of the superintendents thereof; *and it is provided, further,* that the school for the deaf-mutes and the Oregon Institute for the Blind shall be entitled to receive supplies of small fruits, vegetables, and other farm and garden products now produced, and that shall hereafter be produced upon the farm lands purchased and now owned by the State for the use of the State Insane Asylum, the Oregon State Prison, and the State Reform School; *provided,* that such supplies shall be furnished said schools at such times and in such quantities as may be found practicable by the superintendents of the

above-named state institutions, viz.: the State Insane Asylum, the State Prison, and the State Reform School. [L. O. L. § 4317.]

§ 326. *Exclusive Government in Board.*

The said board of trustees are hereby created a permanent board of management for said school, and shall have full authority and exclusive government, direction, and supervision of said school for the time being, under such rules and regulations as they may adopt, and as hereinafter provided. [L. O. L. § 4318.]

§ 327. *Authority to Conduct Business, and Make Contracts.*

The board shall make all needful rules and regulations concerning their meetings and the modes of transacting their business, shall take charge of said institution to see that its affairs are properly conducted, that strict discipline is maintained, and that suitable employment and education are provided for its inmates. They are hereby authorized to make contracts for the purchase of furniture, apparatus, tools, stock, provisions, to build shops and other buildings, and everything necessary to equip the institution for the purpose herein specified, and to maintain and operate the same. [L. O. L. § 4319.]

§ 328. *Custody of Records and Property.*

The said board of trustees shall have the general custody and control of the books, records, buildings, and other property of the school. All moneys, bonds, securities, lands, and other property which shall be given, transferred, or conveyed to said board of trustees by gift, devise, or otherwise, shall be taken, received, held, managed, invested, reinvested, sold, transferred, and in all respects managed, and all the proceeds thereof used, applied, and invested for the exclusive use of said school. [L. O. L. § 4320.]

§ 329. *By-Laws — Employment of Teachers and Officers — School Age.*

The said board of trustees shall have power and it shall be their duty to enact by-laws, rules, and regulations for the government of said school; to provide for the employment of a superintendent, teachers, and officers, and other employees, and fix their salaries; to fix the limit of age for admission of pupils to the school; contract for supplies, etc., and to provide for all other duties and work necessary and proper to carry out the designs of this act. [L. O. L. § 4321.]

§ 330. *Pupils From Other States.*

The said board of trustees shall have power to prescribe the terms upon which pupils from other states and territories shall be received into said school, if the same be deemed necessary by them. [L. O. L. § 4322.]

§ 331. *Officers and Teachers, When Appointed.*

The said board of trustees, at their first regular meeting after the passage and approval of this act, shall, if practicable and necessary, appoint a superintendent, teachers, officers, and other employees as they may deem necessary to manage and have charge of said institution, and to see that its affairs are properly conducted. [L. O. L. § 4323.]

§ 332. *Salaries.*

The said board of trustees shall fix the salaries of the superintendent, teachers, officers, and other employees of the school at the time of their election or appointment by said board, and shall prescribe their duties. [L. O. L. § 4324.]

§ 333. *Removal of Officers and Teachers.*

The said board of trustees shall have full power to remove any officer, teacher, or employee whenever in the judgment of said board such removal would be expedient, and for the best interest of the school. [L. O. L. § 4325.]

§ 334. *Annual Election of Officers and Teachers.*

The superintendent of the school and all subordinate officers, teachers, and employees shall be elected annually by the board of trustees, and shall use their best efforts and constant endeavors to discipline, govern, instruct, employ, and advance the youth committed to their charge in such manner as, while preserving their health, will secure the promotion, as far as possible, of their physical, mental, moral, and industrious habits, regular and thorough progress, and improvement in their study, trades, and employment as far as the same may be practicable. [L. O. L. § 4326.]

§ 335. *Bond of Superintendent—Authority Of.*

The superintendent-elect of the school shall, before entering upon his duties each year, give a reasonable bond to the board of trustees, with sureties, of amount and sureties to be satisfactory to the said board of deaf-mute school trustees, conditioned that he shall faithfully perform all his duties, and account for all moneys received and paid out by him, and all property, and of the institution in his charge; he shall be a resident at the school, and shall have full charge and supervision of all lands, shops, buildings, machinery,

furniture, apparatus, tools, stock, provisions, and all other appurtenances and kinds of property belonging to the institution, subject to the direction and control of said board of trustees. [L. O. L. § 4327.]

§ 336. *Report of Superintendent.*

It shall be the duty of the superintendent-elect of the said school to make to the said board of trustees, on or before the 31st day of December, every two years, a full and detailed report, setting forth the condition, advancement, expenses, and other necessary items and information, relative to the status of said school, which report shall be examined, and if found correct, and approved by the board of trustees, printed for the information of the legislative assembly; *and provided, further,* that said board of trustees shall submit therewith such additional report as they may deem necessary, which report shall contain their estimate of the appropriations necessary for maintaining the said school for the biennial term next ensuing. [L. O. L. § 4328.]

§ 337. *Board Meetings—Inspection of School.*

The said board of trustees shall hold regular meetings in the State Capitol building on the first Monday of each month, and such special meetings as said board thereof may appoint. A majority of the board shall constitute a quorum, and at any regular meeting may adopt such rules and regulations as may be deemed necessary for the transaction of its business; *provided, further,* that the said board of trustees shall visit the said school once each month when practicable, and shall examine the pupils in their school room, industrial work and other labor, and inspect the books and accounts of the superintendent and other officers; *provided, further,* that once in every six months, if practicable and found necessary, the said board shall make a complete inspection of the school in all of its departments, including all accounts, vouchers, books, etc., of the superintendent and other officers. For all said monthly and semi-annual visits and inspections, meetings, supervision, etc., each member of said board of trustees shall receive an annual salary of \$250 and their actual traveling expenses, which accounts shall be audited by the Secretary of State quarterly, and paid by warrants drawn on the State Treasurer. [L. O. L. § 4329.]

§ 338. *Free Education.*

All deaf-mutes of proper age, residents of this State, shall be entitled to a free education in the said school, under the rules and regulations of the board of trustees. [L. O. L. § 4330.]

§ 339. *Application for Admission.*

Any deaf-mute resident of this State desiring admission to the school, shall make written application to the county judge of the county where he or she resides in person, or, if a minor, by his or her parents, guardian, or next friend, showing that he or she is a resident of such county and a deaf-mute. Such judge, if he finds the facts to be as stated in such application, shall make his certificate to that effect and transmit such application and certificate to the secretary of said board of trustees, who shall file the same in his office and issue his certificate to such applicant, who shall thereupon be entitled to admission to said school, subject to the rules and regulations hereinbefore specified; *provided, further*, that all expenses occurring in the case of indigent deaf-mutes, residents of this State, shall be paid by the counties of which said indigent deaf-mutes are residents, and which expenses, including the cost of transportation, both going and coming, shall be borne by said counties. [L. O. L. § 4331.]

§ 340. *Names of Deaf and Blind Youth to Be Reported.*

It shall be the duty of the clerks of all school districts in the State of Oregon to report to the school superintendents of their respective counties the names of all deaf, mute, or blind youth residing within their districts who are between the ages of six and fourteen years. [L. O. L. § 4332.]

§ 341. *Specific Report by County Superintendent.*

It shall be the duty of each county school superintendent to make a full and specific report of such youth to the county commissioners of his county at the first regular meeting of said commissioners held after the first Monday of April in each year. He shall also, at the same time, transmit a duplicate copy of said report to the superintendent of the school for deaf-mutes and to the superintendent of the school for the blind at Salem, Oregon. [L. O. L. § 4333.]

§ 342. *Information as to Admission.*

Immediately on the receipt of said duplicate reports, it shall be the duty of the superintendents of said schools for the deaf or the blind, as the case may be, to furnish each and every parent or guardian of any deaf-mute or blind person of school age with all necessary information and blanks necessary to secure admission to said institution. [L. O. L. § 4334.]

§ 343. *Clothing and Expense of Travel.*

If it appear to the satisfaction of the county commissioners that the parents of any such deaf or blind youth within their county are unable to bear the traveling expenses of sending

him or her to said state school, or to furnish necessary clothing, it shall then be the duty of such commissioners to furnish the clothing and send him or her to such school at the expense of the county, the parent or guardian of such child consenting thereto. [L. O. L. § 4335.]

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## CHAPTER II.

### INSTITUTION FOR THE BLIND.

#### § 344. *Government.*

The State Board of Education are hereby constituted the board of trustees of said institute, and it shall be their duty as such trustees to take charge of the funds of the institute, to provide for the proper care of the pupils, to appoint all officers and teachers, and define the duties of the same, to fix and regulate the salaries of all persons employed by them, and to make a full statement of the expenses, management and condition of the institute at each regular session of the legislative assembly. [L. O. L. § 4336.]

#### § 345. *Free Education.*

All blind persons who are residents of this State, of sound mind and in good health, shall be entitled to free education at the institute for a period of not more than two years, and the board shall further have authority to allow pupils, for special reasons, to remain for a longer period than two years. Blind persons not residents of this State, who are of sound mind and in good health, may be received as pupils on the payment of \$250 gold coin annually in advance. [L. O. L. § 4337.]

## TITLE V.

## MISCELLANEOUS PROVISIONS.

## CHAPTER I.

## DUTIES OF DISTRICT ATTORNEYS.

§ 346. *To Advise County Courts, School Superintendents, Etc.*

It is hereby made the duty of the district attorneys, and their deputies, to advise the county courts, the county school superintendents, the county clerks, the sheriffs, county assessors, and the county surveyors, in their respective districts, on all legal questions that may arise, and to prosecute and defend such counties in all actions, suits, and proceedings to which any such county may be a party, and for such services they shall receive no additional compensation other than is herein provided. [L. O. L. § 2820.]

## CHAPTER II.

## EIGHTH GRADE EXAMINATION.

§ 347. *Superintendent of Public Instruction Shall Prepare Questions.*

It shall be the duty of the Superintendent of Public Instruction, at such time as he may deem advisable, but not oftener than three times each year, to prepare questions for use in the examinations of the pupils of the schools of this State who have completed the eighth grade in accordance with the provisions of the state course of study; to prescribe uniform rules and regulations for the conducting of such examinations; and to prepare blank certificates of graduation for pupils successfully passing such examinations according to the standard prescribed by the State Board of Education, which certificate shall be executed by the county superintendent of their respective counties; and a certificate so granted shall entitle the holder thereof to entrance into any ninth grade in the State without further examination; *provided*, that nothing in this act shall be construed as compelling district school boards to admit non-resident pupils without tuition charge. [L. O. L. § 4226.]

§ 348. *Chairman of Board Shall Conduct Examination.*

It shall be the duty of the chairman of the district board of the district in which said examination is being held to conduct said examination in person; or designate some member of his board; or the school clerk; or some person other than the teacher of the school, suggested by the county superintendent to conduct such examination in accordance with the rules and regulations prescribed by the Superintendent of Public Instruction for conducting such examination, and the person conducting the examination shall, within one day after the close of the examination, transmit the manuscripts to the county superintendent. The person conducting the examination shall receive \$2.00 per day for the time actually employed in conducting the examinations herein provided for, but such person shall not receive pay for more than two days for any one examination. Any claim for compensation for services under this section shall be certified to by the county superintendent and audited by the district school board, and paid out of the school fund of the district. [L. O. L. § 4227.]

§ 349. *Board of Examiners.*

For the purpose of examining and grading the manuscripts of pupils taking the examination mentioned in sections 347 and 348, the county school superintendent may, at his discretion, appoint for each examination four persons, who, with the county superintendent, shall constitute a county board of examiners for the uniform eighth grade examinations; but no person shall be eligible for appointment as a member of said board who does not at the time of his appointment hold a valid teacher's certificate in full force and effect in said county. The county superintendent, or some member of said board appointed by him, shall be chairman of said board, and a majority shall constitute a quorum. [L. O. L. § 4228.]

§ 350. *Meeting of the Board of Examiners.*

It shall be the duty of said board of eighth grade examiners to meet at the county seat, at the call of the county superintendent, for the purpose of examining and grading the manuscripts of pupils taking such examinations in accordance with sections 347 and 348. No questions shall be used in such examination except those prepared by the Superintendent of Public Instruction, as provided in section 347. [L. O. L. § 4229.]

§ 351. *Results Shall Be Reported to Superintendent of Public Instruction.*

It shall be the duty of the county superintendent to report to the Superintendent of Public Instruction within two days



after any meeting of the County Board of Eighth Grade Examiners, the names of all pupils passing any examination, as herein provided, together with such other facts relating to said pupils or said examination as the Superintendent of Public Instruction may require. [L. O. L. § 4230.]

§ 352. *Compensation of Examiners.*

Each member of the eighth grade board of examiners, except the county superintendent, shall receive the sum of \$3.00 per day for the time actually employed in the examination herein provided for; *provided*, that no examiner shall receive pay for more than three meetings of said board in any one year, nor for more than three days at any one of such meetings. Any claim for compensation for services under this section shall be certified to by the board and audited by the county court, and paid out of the general fund of the county. [L. O. L. § 4231.]

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### CHAPTER III.

#### ARBOR DAY.

§ 353. *Arbor Day Exercises—Forest Preservation.*

The second Friday in the afternoon in April of each year shall hereafter be known throughout this State as "Arbor Day." In order that the children in our public schools shall assist in the work of adorning the school grounds with trees, and to stimulate the minds of children towards the benefits of the preservation and perpetuation of our forests, and the growing of timber, it shall be the duty of the authorities in every public school district in this State to assemble the pupils in their charge on the above day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of city superintendents, county superintendents, teachers, and directors, or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises as shall tend to encourage the planting, protection, and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. [L. O. L. § 4135.]

§ 354. *Exercises Prescribed From Year to Year.*

The Superintendent of Public Instruction shall, from year to year, under and by the direction of the State Board of Education, have power to prescribe, from time to time, a course of exercises and instructions in the subjects hereinbefore mentioned in section 353, which shall be adopted and observed by the said public school authorities on Arbor Day. [L. O. L. § 4136.]

## CHAPTER IV.

## TEACHERS' RETIREMENT FUND ASSOCIATION.

§ 355. *Teachers May Establish Association.*

That in every school district in this State now or hereafter having more than 10,000 children of school age, the teachers employed in such district may with the consent and approval of the board of directors of said district incorporate and establish an association to be known as Teachers' Retirement Fund Association, said incorporation to be formed and organized, and to have duties, powers, and privileges as hereinafter and in the general laws of this State provided. [L. 1911, c. 280, p. 510, § 1.]

§ 356. *Incorporation Must Be Under Laws of State.*

Any such plan for the establishment of such an association shall include a provision for the incorporation and organization under and in pursuance of the provisions of the laws of this State, providing for the creating and organizing of religious, charitable, and educational corporations, except as herein otherwise provided. [L. 1911, c. 280, p. 510, § 2.]

§ 357. *Plan Must Be Approved by School Board.*

Whenever the teachers in any school district in this State having more than 10,000 children of school age desire to avail themselves of the privileges of this act, they shall formulate a plan for the incorporation and organization of such an association, and the collection and disbursement of the funds for the benefit of retired teachers in said district, which said plan shall be submitted to the board of directors of such school district for its approval, and when the same is approved by the board of directors, said association so established and incorporated shall have full power and authority to receive, collect, invest, loan, and disburse funds in accordance with the said plan so adopted. [L. 1911, c. 280, p. 510, § 3.]

§ 358. *Qualified Teachers May Meet and Organize Association.*

When said plan has been approved by the board of directors, a meeting of the teachers qualified to be members of said association as herein provided shall be called by said board of directors, to be held at such time and place as directors may appoint, for the purpose of selecting three or more persons to act as incorporators and trustees of said association until the same is fully organized. Such persons so selected shall execute and file articles of incorporation as by law provided, and shall receive and act upon applications for membership in such association until 300 members have been so elected, and there-

upon the said incorporators shall call a meeting of the members so elected to be held at such time and place as they shall designate, and at such meeting said corporation shall be fully organized by the election of trustees and other officers, and adoption of by-laws for the government of the association. The trustees so elected at said meeting to be successors of the incorporators selected at the meeting above provided for. Notice of the meeting of teachers as hereinbefore provided for and the first meeting of the members of the association shall be given five days before such meeting by posting the same in three public places within the district. Notice of the meeting of the teachers as above provided for shall be signed by the clerk of said school district, and the notice of the first meeting of the members of the association shall be signed by the incorporators or a majority. [L. 1911, c. 280, p. 510, § 4.]

§ 359. *Plan Must Be Approved by Majority of Teachers Employed in District.*

No such association shall be incorporated or commenced to collect and disburse funds until the plan so to be proposed by said teachers shall be approved in writing by majority of all the teachers in employ of such district. At the time of the incorporating of said corporation there shall be filed with the articles of incorporation an affidavit made by the clerk of said school district to the effect that a majority of the said teachers have approved in writing of the formation of said association. [L. 1911, c. 280, p. 511, § 5.]

§ 360. *Teachers Accepting Employment Shall Be Members of Such Association.*

From and after the time of the incorporation and organization of said association all teachers accepting employment in said district, who have not been previously employed therein, under an election by the said board of directors for a period of one year or more shall be deemed to have applied for membership in and been elected a member of such association, and shall be subject to the provisions and requirements contained in said plan of the association and be entitled to the benefits thereof. [L. 1911, c. 280, p. 511, § 6.]

§ 361. *Association Shall Have One Per Cent of County School Tax.*

There shall be paid and turned over to the said association when the same shall have been duly organized as in this act provided, by the board of directors of such school district in which said association is formed, a sum equal to one per cent of the amount of tax received by said school district as its portion of the tax levied for school purposes by the county

court of the county in which said district is situated, the same to be paid to said association as fast as it is received by said school district. [L. 1911, c. 280, p. 511, § 7.]

§ 362. *Association Empowered to Hold Real Estate.*

Any such association so to be formed shall be empowered to receive, hold, sell, mortgage, and otherwise dispose of real and personal property, either by gift or purchase or in any other lawful ways, and also to loan and invest the funds of said association in such manner as the officers thereof may deem best and as may be provided by its articles of incorporation and by-laws. [L. 1911, c. 280, p. 511, § 8.]

§ 363. *Funds Shall Be Pro-Rated When Not Sufficient to Pay Annuities in Full.*

Said plan of said incorporation may provide that in the event the funds of the association are not sufficient to pay annuities in full as provided therein during any particular year, that the amount available shall be pro-rated between those entitled to receive the same. [L. 1911, c. 280, p. 512, § 9.]

§ 364. *The Word "Teachers" Defined.*

The word "teachers" as used in this act shall include superintendents, supervisors, and principals, as well as instructors who are in the employ of the school district or districts mentioned in this act in which said persons are so employed. [L. 1911, c. 280, p. 512, § 10.]

§ 365. *Funds Shall Be Exempt From Garnishment, Etc.*

Any annuity or money which shall by the provisions of this act or by said articles of incorporation or by-laws of the association become due or payable to the members of said association shall be exempt from attachment, garnishment, and execution, nor shall any part hereof be liable for the debts or liabilities of any such member. [L. 1911, c. 280, p. 512, § 11.]

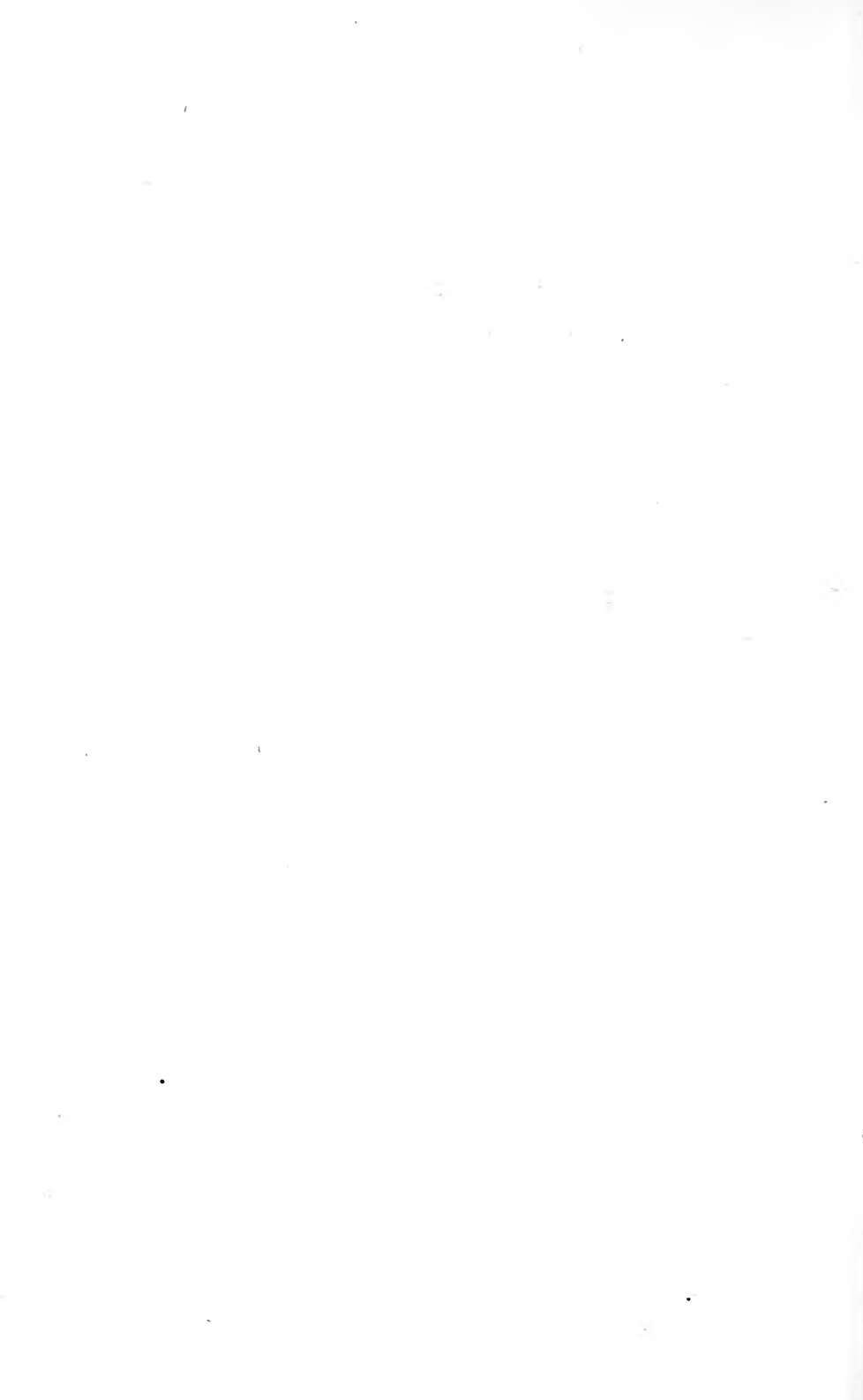
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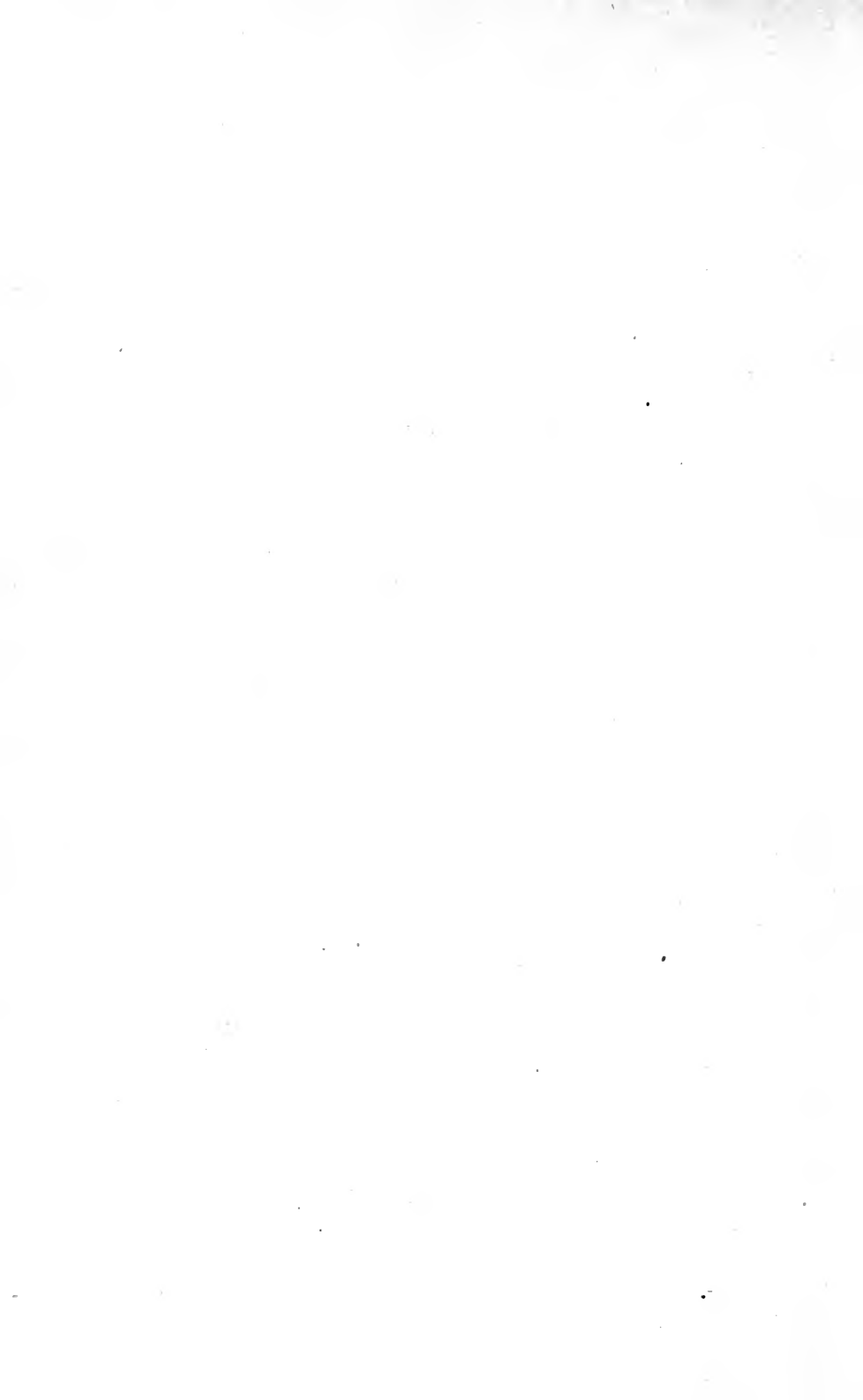
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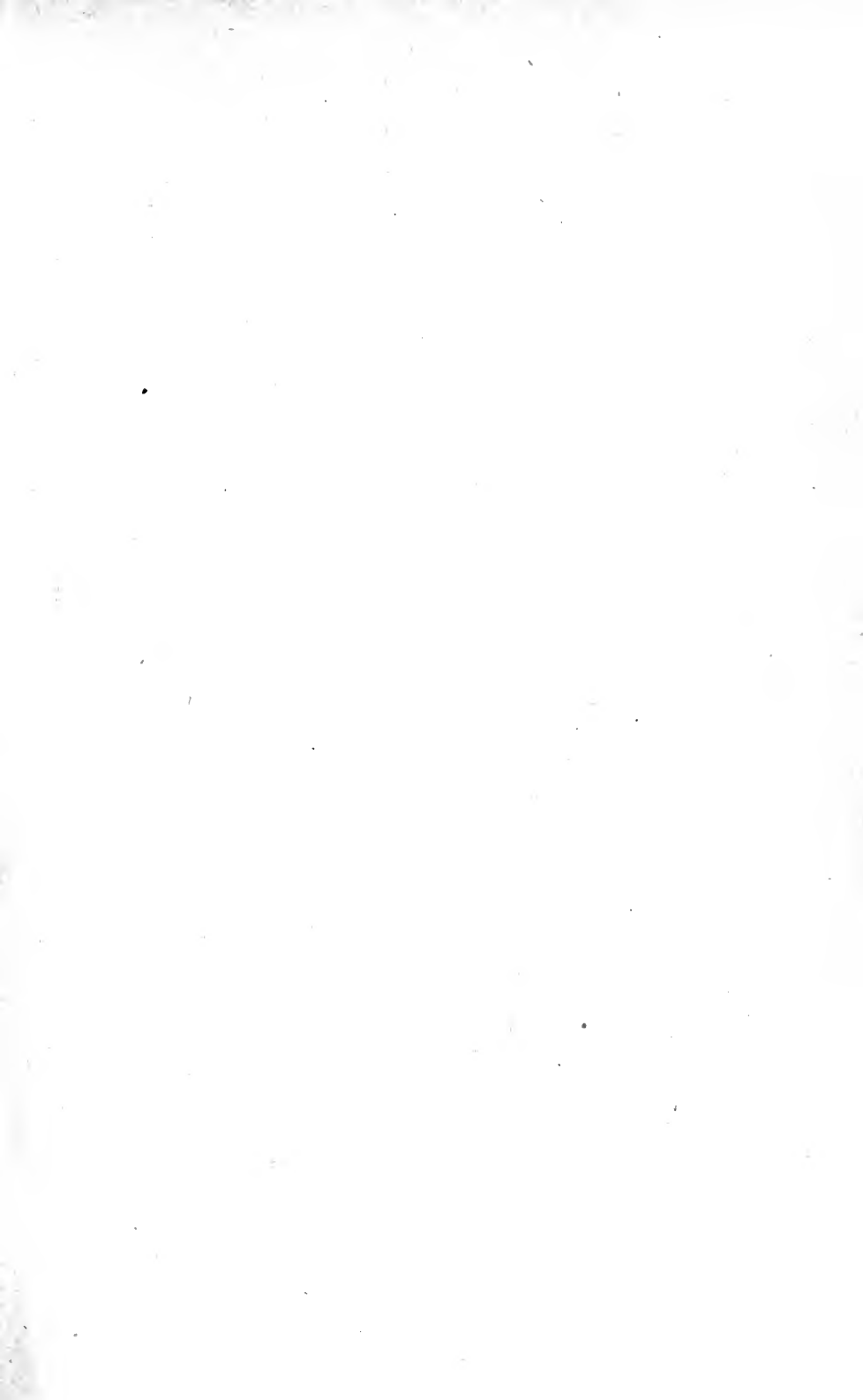
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